THE

REGULATIONS

OF THE

GOVERNMENT OF BOMBAY

IN FORCE AT THE END OF 1850;

BENGAL SECRETARIA LIBRARY

TO WHICH ARE ADDED,

THE ACTS OF THE GOVERNMENT OF INDIA

IN FORCE IN THAT PRESIDENCY.

WITH A CLASSIFIED LIST OF TITLES,

AND

A COPIOUS INDEX.

PREPARED, UNDER THE AUTHORITY OF THE HON. THE COURT OF DIRECTORS

OF

The East-India Company,

BY

RICHARD CLARKE, Esq.,

LATE OF THE MADRAS CIVIL SERVICE.

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ADDENDA ET CORRIGENDA.

THE FOLLOWING SECTION of the Act 53rd George III. cap. 155, being referred to in Section XI. and Clause Fourth, Section XVII. Regulation XII. 1827, is here added for the information and guidance of magistrates acting as justices of the peace.

53 Geo. III. Cap. 155.

See Acts XI. & XXIV. 1836, & IV. 1843.

Justices of peace in the provinces shall have jurisdiction in case of assault and trespass committed by British subjects on the natives of India.

CV. And whereas his Majesty's British subjects resident in the British territories in India, without the towns of Calcutta, Madras, and the town and island of Bombay, are now, by law, subject only to the jurisdiction of his Majesty's Courts at Calcutta, Madras, and Bombay respectively, and are exempted from the jurisdiction of the Courts established by the said United Company within the said territories, to which all other persons, whether natives or others, inhabitants in the said territories, without the limits of the towns aforesaid, are amenable: and whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the places where his Majesty's Courts are established, as in case of civil controversies with such British subjects; be it therefore enacted, that it shall and may be lawful for any native of India, resident in the East Indies, or parts aforesaid, and without the said towns, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the magistrate of the zillah or district where the alleged offender shall be resident, or in which such offence shall have been committed; and that such magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and in case of conviction, to inflict upon such person a suitable punishment, by fine not exceeding Rs. 500, to be levied, in case of non-payment, by warrant under the hand of the said magistrate, and upon any property of the party so convicted, which may be found within the said district; and if no such property shall be found within the said district, then it shall be lawful for the said magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said zillah or district, which in the judgment of the said magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the gaol of the presidency, to remain there for a period not exceeding two months, unless such fine shall be sooner paid; and it shall be lawful for the said magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury: provided always, that in all cases of conviction of a British subject, under the provision hereinbefore contained, the magistrate before whom such conviction shall take place shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate: provided also, that all such fines shall be paid in the first instance to the magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved, as aforesaid, if any, shall be transmitted by such magistrate to the clerk of the crown, or other officer to whom it belongs to receive fines in his Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such Court of Oyer and Terminer and

Copy of conviction and proceedings to be sent to the Government.

Fines to be paid to the magistrate; application thereof.

Convictions removable by *certiorari*, and subject to provisions of 33 Geo. 3, c. 52.

Gaol Delivery: provided also, that all such convictions shall and may be removable by writ of certiorari into the said Courts of Oyer and Terminer and Gaol Delivery respectively, in the same manner and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said Act of the thirty-third year of his Majesty's reign, with regard to other convictions before justices of peace in the British settlements or territories in India: provided also, that nothing herein contained shall extend, or be construed to extend, to prevent such magistrate from committing or holding to bail any British subject charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged shall appear to such magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of his Majesty's Courts to which such British subject may be amenable.

PAGE.

6, 1827,	II.	vi.	*insert* in margin,		"See Act XXXVII. 1850."
9,	,,	,,	xvi.	,,	,, "See Reg. XVIII. 1830, & XXIX. 1845."
11,	,,	,,	xxii.	,,	,, "See Act XVIII. 1850."
—	,,	,,	xxv.	,,	,, "See Act XXXVII. 1850."
15,	,,	,,	xxxvi.	,,	,, "See Act XII. 1849."
50,	,,	IV.	lx. 4,	,,	,, "See Act XXXII. 1839."
51,	,,	,,	lxii. 9,	,,	,, "See Acts V. 1843, & XXXI. 1845."

55, line 3, *insert* LXXII.

75, 1827,	V.	x.	*insert* in margin,		"See Act XXXII. 1839."
115,	,,	XII.	vi.	,,	,, "See Act XI. 1843."
116,	,,	,,	vii.	,,	,, "See Reg. III. 1833."
—	,,	,,	viii. 4,	,,	,, "See Act XXXVII. 1850."
117,	,,	,,	ix. 2,	,,	,, "See Act X. 1845."
119,	,,	,,	xiii.	,,	,, "See Regs. II. & VIII. 1831."
147,	,,	XIII.	xii. 2,	,,	,, "See Act XIII. 1835."
184,	,,	XIV.	xxxviii.	,,	,, "See Act XI. 1848."
185,	,,	,,	xlii. 3,	,,	,, "See Act III. 1846."
193,	,,	XVI.	vii. 4,	,,	,, "See Act XXXVII. 1850."
211,	,,	XVII.	xxxi. 3,	,,	,, "See Act III. 1839."

246, line 4, *for* "Reg. VII. 1799," *read* "Reg. VI. 1799."

320, 1827, XXV. i. *insert* in margin, "See Act XXXIV. 1850."

386, *for* Sec. "I. *Third*, Section VII.," *read* "I. Clause Third, Section VII."

463, 1838, VI. This Act has been repealed by Act XXXVII. 1850.

— — *for* "1838, Act VII." *read* "1838, Act VIII."

568, line 9 from bottom, *for* "Clauses," *read* "Chapters."

PREFATORY NOTE.

THE present Edition of the Regulations and Acts in force under the Presidency of Bombay has been prepared in uniformity with the volume lately published, containing the legislative enactments of the Presidency of Fort St. George.

The following remarks will explain the principles on which the work has been executed.

Rules that have been repealed or superseded are generally omitted, but the subject of the sections or clauses so removed is given in a short abstract, in which the later rule that rendered the previous one inoperative is noted. Where, in a few instances, this principle has been departed from, the section or clause is printed in Italics, and is retained either because not having been actually repealed (see pp. 20, 155, 275), a doubt might arise as to its having been entirely superseded (a doubt which must be resolved by competent authority); or because the retention of the inoperative portion seems to be required in order to the clear understanding of the context or of some subsequent enactment; in such case the reasons for the retention are stated in the notes, as in pp. 302 and 303.

Important changes having taken place, since the enactment of the code of 1827, in the authority and duties as well as in the designations of officers in the judicial department, the titles of the officers on whom the prescribed duties originally devolved, but to whom they no longer appertain, are printed in Italics, to intimate that some other officer, as the Session Judge instead of the *Criminal Judge* or *Judge of Circuit*, or the same authority under a different name, as the Principal Sudder Ameen for the *Native Commissioner* or *Native Judge*, is now charged with their execution.

The original jurisdiction assigned to Zillah Judges, in Regulation II., 1827, is now possessed by Principal Sudder Ameens, without limitation,—by Sudder Ameens to the extent of Rs. 10,000, and by Moonsifs to Rs. 5,000. The Zillah Judge has appellate jurisdiction from all inferior Courts, and the Assistant Judges have cognizance of appeals within certain limits from the Native Courts.

As presiding in the Criminal Court of the zillah, the *Criminal Judge* of 1827 has the appellation of Session Judge, and his powers are generally those of the *Court of Circuit* constituted by Regulation XIII., 1827. The title *Criminal Judge* will often include the

Session Judge and the Assistant Session Judge, the latter being in many cases vested with the authority of the former *Criminal Judge*.

The powers of Native Commissioners, first appointed under Regulation II., 1827, have been successively enlarged and their designations altered. By Regulation XVIII., 1831, they were constituted of three grades—*Native Judges, Principal Native Commissioners, and Junior Native Commissioners*—and by Act XXIV., 1836, those classes were respectively styled Principal Sudder Ameens, Sudder Ameens, and Moonsifs.

The Commercial Branch of the East-India Company's service having, by virtue of the Act 3 & 4 William IV., cap. 85, ceased to exist, the designations of the officers of that department when they occur are printed in Italics.

The intention of the foregoing notices is only to explain the principle on which the titles of certain officers are printed in Italics; for the powers of the several officers, and the duties they have now to perform, the laws themselves with the notes appended and the Index will be consulted. It is only necessary to add, on the subject of the use of Italics, that, in respect of judicial *oaths*, the substitution of affirmations applies only to Hindoos and Mahomedans—the law, as regards persons of other persuasions, remaining unaltered. Italics are not used in the Preambles, as that portion of any Regulation is not operative or enacting, but only expository or historical.

Special provisions are enacted by Act XV., 1845, in favour of native officers and soldiers in respect of proceedings in which they are immediately concerned before the Judicial and Revenue authorities. It did not seem necessary to make a marginal reference to the Act in all the numerous places where such proceedings are treated of. When a case comes before a public officer, in which such military persons are concerned, he will of course modify his proceedings in reference to the provisions of the Act referred to.

A few Regulations on the subjects of Customs and Shipping, passed before 1827, were retained in force by Regulation XX., 1827, and Act I., 1838; these will be found appended to Regulation XX., 1827.

The objects chiefly kept in view in the present Edition were, *first*, to divest the volume of all repealed and extinct provisions, and of matters that do not concern the administration of the officers of Government in their several departments; and, *secondly*, to facilitate reference. In carrying out the first of these objects, the Acts of the Government of India which relate solely to her Majesty's Courts, as well as the Bank Charter, and such Municipal Rules as are founded on the former "Rules, Ordinances, and Regulations," and belong only to the jurisdiction of the Court of Petty Sessions at Bombay, have been generally omitted,—where any such rule is retained, the reason is assigned. See Act XXXVIII., 1839. In respect of the second object, it is hoped that the marginal references will be found sufficient; those references will often require to be followed up in order to complete the investigation, after the Index has pointed to the first or principal rule on the subject required; for every reference

could not be marked in the Index without overcrowding it and producing confusion. The classified table will enable the public officer to trace the progress of legislation on each topic from 1827 to 1850.

While the code was passing through the press, enactments were being promulgated by the Government of India, and have been included in this volume, which affect some of the provisions before printed. Such alterations could not be marked in the rules already struck off; but the rules affected by them are stated in the Table of Addenda.

LIST

OF THE

REGULATIONS CONTAINED IN THIS VOLUME.

REG.	JUDICIAL.		REVENUE.		Miscellaneous.	SUBJECT.
	Civil.	Criminal.	Land.	Customs, Duties, &c.		
1799. VI.				—		Collection of Customs at Bombay. (Appended to Reg. XX. 1827.)
1800. IX.				—		——— at Surat. (Appended to Reg. XX. 1827.)
1805. I.				—		——— at Bombay. (Appended to Reg. XX. 1827.)
1810. II.				—		Regulation of the Port of Bombay. (Appended to Reg. XX. 1827.)
1814. VI.				—		Confiscation and Sale of Forfeited Goods. (Appended to Reg. XX. 1827.)
1827. I.	—	—	—	—	—	Formation of Regulations into a Code—their effect.
II.	—					Constitution of Civil Courts.
III.	—					Practice and Proceedings of Civil Courts.
IV.	—					Forms of Proceeding in Suits and Appeals.
V.	—					Limitation—Interest—Mortgages.
VI.	—					Pauper Suits and Appeals.
VII.	—					Adjustment of Suits by Arbitration (Punchayets).
VIII.	—					Succession to, and Management of, Estates of deceased Persons.
IX.	—		—			Registry of Deeds.
X.	—					Commission for the Settlement of Disputes respecting Village Boundaries.
XI.		—				Definition of Persons subject to Criminal Regulations.
XII.		—				Establishment of a System of Police—Magistrates.
XIII.		—				Constitution, Functions, and Proceedings of Criminal Courts.
XIV.		—				Definition of Crimes and Offences, and Specification of Punishments.
XV.		—				Police Authority of Landholders.
XVI.			—			Powers and Duties of Collectors, and other Revenue Officers.
XVII.			—			Assessment and Realization of the Revenue—La-khiraj.
XVIII.				—		Stamp Duties.
XIX.			—	—		Assessment and Collection of Revenue at the Presidency.
XX.				—		Customs Duties.
XXI.				—		Duties on Opium, Tobacco, Spirits, &c.

REG.	JUDICIAL.		REVENUE.		Miscellaneous.	SUBJECT.
	Civil.	Criminal.	Land.	Customs, Duties, &c.		
1827.						
XXII.					—	Military Courts and Authorities, Civil and Criminal.
XXIII.						Restrictions on Money Transactions of Civil Servants. Occupation of Land by Europeans—Uniforms.
XXV.	—	—	—			State Prisoners—Attachment of their Lands.
XXVI.						Appointment and Removal of Kazees—their Duties.
XXVII.	—	—				Zillah of Broach abolished.
XXVIII.	—	—	—	—	—	Operation of new Code of Regulations, when to commence.
XXIX.	—	—	—	—	—	Extension of the Regulations to, and Administration of, the Dekhan and Khandesh—Agent for Sirdars.
XXX.		—				Powers of Magistrates and Session Judges—Police.
XXXI.	—	—	—	—	—	Introduction of new Code of Regulations.
XXXII.				—		Taxes on Carriages and Horses at the Presidency.
XXXIII.				—		Spirit Duties.
XXXIV.			—			Powers of Nawab of Surat in Recovery of Revenue.
1828.						
III.				—		Stamp Duties in Suits not exceeding Rs. 100.
IV.				—		——— in the Dekhan and Khandesh.
VI.				—		Stamps in suits before Collectors.
IX.	—					Abolition of special Civil Rules for Broach.
X.		—				——— Criminal Rules for Broach.
XI.		—				Powers of Assistant Session Judges at detached Stations.
XIII.	—		—			Registry of Deeds at detached Stations.
XIV.				—		Tolls at Sion Causeway.
XVI.		—				Subsidiary Jails.
XVII.		—				Punishment of Conspiracy.
1829.						
III.		—				Punishment of Frauds in Sale of Cotton.
1830.						
I.	—					Constitution, Jurisdiction, and Powers of Civil Courts.
III.		—				Powers of Session Judges, Assistant Session Judges, and Commissioners of Circuit.
IV.		—				Powers of Session Judges and Magistrates—Police.
V.			—	—		Revenue Commissioner—Principal and Sub-Collectors.
VI.			—			Reference of Revenue Suits by Collectors to Kamavisdars—Appeals.
VII.	—	—	—	—	—	Extension of the Regulations to, and Administration of, the S. Mahratta Country—Political Agent.
VIII.				—		Counterstamps on Stamped Paper.
X.	—	—	—	—	—	Annexation of certain Villages to Khandesh.
XII.	—					Valuation of Land in Civil suits.
XIII.	—					Powers of Jagheerdars, Surinjameedars, and Enamdars, to hold Civil Courts.
XIV.	—	—	—	—	—	Annexation of Mahabuleshwur Hills to the Konkan.
XV.				—		Regulation of Foreign Trade.
XVI.		—				Punishment for assisting at Rites of Self-Immolation.
XVIII.	—					Appointment of a Joint Zillah Judge in Poonah.
XIX.		—				——— Session Judge in Poonah.
XX.				—		Malwa Opium.
1831.						
I.	—					Jurisdiction of the Agent for Sirdars.

REG.	JUDICIAL.		REVENUE.		Miscellaneous.	SUBJECT.
	Civil.	Criminal.	Land.	Customs, Duties, &c.		
1831.						
III.				—		Stamps for Decrees of Native Judicial Authorities.
V.		—				Punishment for escaping from Custody.
VI.				—		Fees for Support of a Lighthouse in Gulf of Cambay.
VII.	—					Appeals to Zillah Judges and Sudder Dewanny Adawlut.
VIII.		—				Jurisdiction of Magistrates, Session Judges, and Commissioners of Circuit.
IX.		—				Execution of Sentences of Landholders, under Reg. XV. 1827.
X.			—			Validity of Vechania and Gerania Tenures.
XIV.				—		Endorsement on Stamped Paper.
XV.		—				Punishment of Patels for falsifying Revenue Records.
XVI.	—					Jurisdiction of the Political Agent in Southern Mahratta Country.
XVIII.	—					Jurisdictions of Principal Sudder Ameens, Sudder Ameens, and Moonsifs.
1832.						
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1833.						
I.				—		Manifests of Cargoes—Registers of Exports and Imports.
II.	—					Local Jurisdiction of Native Judicial Authorities.
III.		—				Administration of Police in large Towns.
V.			—			Hereditary Revenue Officers, and Native Officers of Collectors.
VI.			—			Possession for 30 Years to confer Title to La-khiraj Lands, and to Vechania and Gerania.
VII.		—				Punishment of Riot and Rebellion
VIII.		—				Arrangement of Circuits of Commissioners of Circuit.
IX.		—				Reception in Jails of Prisoners sentenced by British Courts out of the British Territories.
X.				—		Realization of Abkary Revenue in Bombay.
1834.						
I.	—					Abolition of Deputy Agent for Sirdars.
II.	—	—	—	—	—	Annexation of certain Villages ceded by Angria Sirkeil.
VI.	—					Adjournment of Civil Courts.

LIST

OF THE

ACTS CONTAINED IN THIS VOLUME.

ACT.	JUDICIAL.		REVENUE.		Miscellaneous.	SUBJECT.
	Civil.	Criminal.	Land.	Customs, Duties, &c.		
1834.						
II.					—	Powers of Secretaries to the several Governments.
1835.						
X.	—	—	—	—	—	Government Gazette to be proof of an Act having been passed.
XI.					—	Regulation of the Press.
XIII.		—				Foujdary Adawlut may order an accused Person to be tried in any Zillah.
XIV.		—				Military Officers may be appointed Magistrates — Special Powers to Assistant Magistrates.
XVII.					—	Coinage.
XIX.	—					Assistant Agent for Sirdars.
XX.		—				Police Powers of Mahalkarees.
XXI.					—	Copper Coinage.
1836.						
I.				—		Lighthouse Fees.
II.				—		Repeal of Regulation III. 1834.
III.				—		Abolition of Import Duty on Cattle at Salsette.
VII.			—	—		Authority of certain Fiscal Regulations.
IX.		—				Commanding Officers may administer like Oaths as Justices of the Peace.
XI.	—					Amenability to Civil Courts without Distinction of Birth.
XXIV.	—					Eligibility to the Offices of Principal Sudder Ameen, Sudder Ameen, and Moonsif, without Distinction of Birth—Jurisdiction of Assistant Judges.
XXV.				—		Warehousing Ports and Warehouses.
XXVI.		—				Police in Camps of Governor-General and Commander-in-Chief.
XXX.		—				Trial and Punishment of Thugs.
1837.						
II.				—		Tolls at the Bhore Ghaut.
IV.			—			Right of British Subjects to hold Lands.
XI.						Repeals Articles 1 and 2 (?) of Reg. I. 1820. [Already repealed.]
XIII.					—	Legality of certain Courts-Martial.
XVII.					—	Post-office.
XVIII.		—				Committal and Trial of Thugs.
XIX.	—	—				Convicted Persons not incompetent to give Evidence.

ACT.	JUDICIAL.		REVENUE.		Miscellaneous.	SUBJECT.
	Civil.	Criminal.	Land.	Customs, Duties, &c.		
1837.						
XXI.					—	Governor in Council may dispense with Oaths not Judicial.
XXVII.				—		Duties on and Manufacture of Salt.
XXXI.					—	Impression on Coins.
XXXVII.		—				Trial of Political Offences.
1838.						
I.				—		Abolition of Inland Customs—Revisal of Sea Customs.
IV.		—				Trial and Punishment of Perjury committed before the Sudder Adawlut.
VI.	—	—	—	—		*Examination of Witnesses by Commissions appointed to investigate Charges against Public Servants.**
VIII.				—		Tolls at the Bhore Ghaut.
IX.		—				Award of Fines as Compensation by Session Judges.
XV.		—				Rescission of Clause 1, Section xxxv. Reg. XII. 1827, respecting Certificates of Pardon.
XVI.	—		—			Relative Jurisdiction of Civil and Revenue Courts.
XVIII.			—			Security from Uncovenanted Revenue Officers.
XIX.					—	Coasting, Fishing, and Harbour Vessels.
XX.					—	Post-office.
XXI.					—	Small Silver Coins.
1839.						
II.		—				Enforcement of Fines imposed by Magistrates under Acts.
III.	—		—			No Exemption from Revenue Courts by reason of Birth.
VIII.	—	—	—	—	—	Annexation of the Chinchnee Jagheer.
XI.	—			—		Appeals to England exempt from Stamp Duties.
XIV.					—	Contracts with Natives to Emigrate prohibited.
XVII.					—	Rates of Postage.
XVIII.		—				Trial of Thugs.
XIX.		—				Confirmation required of Sentences passed by Assistant Session Judges.
XX.			—	—		Power of Government to abolish all Hukks and Fees.
XXIII.					—	Sentences of Imprisonment by Courts-Martial.
XXV.		—	—			Penal Jurisdiction of Collectors as Magistrates.
XXVIII.					—	Regulation of Buildings at the Presidency.
XXXII.	—					Allowance of Interest on sums decreed.
1840.						
II.					—	Execution of Sentences of Courts-Martial.
V.	—	—				Substitution of Affirmations for Judicial Oaths of Hindus and Mahomedans.
XI.		—				Sentences of Labour and Solitary Confinement.
XV.	—	—				Grant of Civil and Police Powers to Agents of Foreign Sovereigns.
XVI.		—				Treatment and Management of Transported Convicts.
XVIII.				—		Licenses for Sale of Spirits at the Presidency.
XXII.		—				Punishment of Vagrants at the Presidency.
XXIII.	—	—				Execution of Process within the Limits of the Supreme Court.
1841.						
II.				—		Licenses for Sale of Ganja and Bhang.

* Repealed by Act XXXVII. 1850.

ACT.	JUDICIAL.		REVENUE.		Miscellaneous.	SUBJECT.
	Civil.	Criminal.	Land.	Customs, Duties, &c.		
1841.						
V.		—				Trial of Offences against the State.
VII.	—					Examination of absent Witnesses by Commission.
X.					—	Registry of Ships.
XI.					—	Military Courts of Requests.
XIII.				—	—	Warehousing Ports—Import Duties on Wines and Spirits.
XVI.		—				Oaths of Qualification of Justices of the Peace.
XVIII.				—	—	Export of Military Stores.
XIX.	—					Protection of Estates of Deceased Persons against Wrongful Possession.
XX.	—					Recovery and Collection of Debts due to Estates of Deceased Persons.
XXI.		—			—	Prevention of Local Nuisances.
XXVIII.					—	Extension of Acts XXIII. 1839, and II. 1840, to Camp Followers.
XXX.	—	—	—	—		Repression of Obstructions to Justice.
1842.						
V.				—		Licenses for sale of Spirits at the Presidency.
VI.	—	—	—	—	—	Annexation of the Nepaneo Jagheer and certain Villages.
VIII.	—	—				The highest Civil and Criminal Court to be called "Sudder Court."
XII.					—	Liabilities of Camp Followers.
XIII.			—			Revenue Powers of Jagheerdars and other Lakhiraj Holders.
XIV.		—			—	Abatement and Prosecution of Nuisances at the Presidency.
XVII.			—			Number and Powers of Revenue Commissioners.
XVIII.		—	—			Investigation and Punishment of Criminal Cases connected with the Revenue.
1843.						
I.	—		—			Registration of Deeds respecting Real Property.
III.	—					Special Appeals to lie only to the Sudder Court.
IV.		—				Appeals from Justices of the Peace and Magistrates.
V.					—	Condition of Slavery.
XI.	—	—	—	—		Services of Hereditary Officers.
XII.	—					Language of Decrees—Time of signing.
XVIII.		—				Custody of Thugs and Dacoits.
XIX.	—		—			Registration of Deeds respecting Real Property.
XXI.					—	Emigration to the Mauritius to be from Calcutta only.
XXIV.		—				Trial and Punishment of Dacoits.
XXV.				—		Forged British Marks on Foreign Goods.
1844.						
II.	—					Copies of Proceedings in Appeals to England.
V.					—	Suppression of Lotteries.
IX.	—					Institution of Suits before Principal Sudder Ameens and Sudder Ameens—Summary Appeals from them.
XIV.		—				Prisoners for Life to be transported.
XVI.				—		Excise and Import Duties on Salt.
XVII.	—	—	—	—	—	Administration of the State of Colaba.
XIX.				—		Abolition of Town Duties, Taxes on Trades and Professions, &c.
XXI.					—	Emigration to Jamaica, British Guiana, and Trinidad.
XXII.					—	Copper Coinage.

ACT.	JUDICIAL.		REVENUE.		Miscellaneous.	SUBJECT.
	Civil.	Criminal.	Land.	Customs, Duties, &c.		
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1832.	II.	Rules respecting Realization of Arrears from Farmers of Land Revenue extended to Farmers of any other item of Revenue.

VI.

CIVIL, CRIMINAL, AND REVENUE ENACTMENTS OF LOCAL OPERATION.

1827.	XXVII.	Zillah of Broach annexed to Surat.
—	XXIX.	Extension of the Regulations to the Districts of Poonah and Ahmednuggur—Agent for Sirdars.
—	XXX.	Powers of Magistrates, Session Judges, and Assistant Session Judges.
1828.	IV.	Extension of the Stamp Laws to the Dekhan and Khandesh (Poona and Ahmednuggur).
—	IX.	Abolition of all Special Civil Rules for Broach.
—	X.	——————— Criminal Rules for Broach.
1830.	I.	Abolition of the Guzerat Court of Appeal.
—	VII.	Extension of the Regulations to the Southern Mahratta Country—Political Agent.
—	X.	Annexation of certain Villages to Khandesh.
—	XIV.	Annexation of the Mahabuleshwur Hills.
—	XVIII.	Appointment of a Joint Zillah Judge in Poona.
—	XIX.	Appointment of a Joint Session Judge in Poona.
1831.	I.	Jurisdiction of the Agent for Sirdars and of the Collector in Poona and Ahmednuggur.
—	XVI.	Jurisdiction of Political Agent in the Southern Mahratta Country.
1834.	I.	Suits before the Agent for Sirdars in Poona and Ahmednuggur (Dekhan).
—	II.	Annexation of certain Villages ceded by Angria Sirkeil.
1835.	XIX.	Jurisdiction of Assistant Agent for Sirdars in the Dekhan.
1839.	VIII.	Annexation of the Chinchnee Jagheer.
1842.	VI.	Annexation of the Nepanee Jagheer and other Villages.
1844.	XVII.	Administration of Justice and Collection of the Revenue in the lapsed State of Colaba
1846.	V.	Police of Surat to be under the Magistrate.
—	XI.	Portions of Khandesh and Ahmednuggur exempted from the operation of the Regulations.
1848.	X.	Annexation of the lapsed State of Mandvee.

VII.

MILITARY.

1827.	XX. Ch. VII.	Supplies of Stores for the Royal Navy or for Government.
—	XXII.	Relations of the Military and Civil Powers, Courts-Martial, Military Cantonments, and Sale of Spirits.
—	XXIII. Ch. III.	Restrictions on the Use of Military Uniforms and Badges.

1835	XIV	Officers may be appointed Magistrates and Assistant Magistrates
1836	IX	Commanding Officers may Administer like Oaths as Justices of the Peace
—	XXVI	Police in Camps of Governor General and Commander in Chief
1837	XIII	Legality of certain Courts Martial
1839	XXIII	Execution of Sentences of Courts-Martial
1840	II	
1841	XI	Military Courts of Requests
—	XVIII	Export of Military Stores
—	XXVIII	Execution of Sentences of Courts Martial on Camp Followers
1842	XII	Military Bazars—Liabilities of Camp Followers
1845	XV	Privileges of Soldiers in Civil Suits
—	XX	Articles of War [Superseded by the following]
1847	XIX	Articles of War
1849	XIV	Punishment for Tampering with the Army or Navy
1850	VI	Pardon of Military Offences by the Commander in Chief
—	XXXVI	Amendment of the 113th Article of War

VIII

MISCELLANEOUS

1 Regulations and Acts

1827	I	Form Authority and Construction of Regulations—Suspension of the Regulations
—	XXVIII	Time when new Code of Regulations came into Operation
—	XXXI	Principles for the Introduction of the Revised Code of Regulations
1835	X	Acts passed by Government proved by production of Government Gazette

2 Secretaries to Government

1834	II	Powers of Secretaries to Government

3 Civil Servants

1827	XXIII Ch I	Restrictions on Money Transactions between Civil Servants and certain Natives
1837	XXI	Governor in Council may dispense with their official Oaths
1850	XII	Avoidance of Loss by Default of Public Accountants
—	XIII	Punishment of Breaches of Trust
—	XXXVII	Inquiry into the conduct of Public Servants not removable without sanction of Government.

4 Coinage

1835	XVII	Gold Silver and Copper
—	XXI	Copper Coins
1837	XXXI	Impression on Coins
1838	XXI	Small Silver Coins
1844	XXII	Copper Coinage

5 Post

1837	XVII	General Rules for the Regulation of the Post
1838	XX	Bhangi Post
1839	XVII	Rates of Postage

6 Press and Printing

1835	XI	General Rules for the Regulation of the Press
1847	XX	Law of Copyright

7 Emigration

1839	XIV	Contracts with Natives to emigrate prohibited
1843	XXI	Emigration to the Mauritius to be from Calcutta only
1844	XXI	To Jamaica British Guiana and Trinidad sanctioned and regulated
1847	XIII	To Ceylon sanctioned and regulated

8 Slavery

1827	XIV xxx to xxxii	Import Export and Sale of Slaves

1843.	V.	Protection of the Rights of Slaves—Property in Slaves not to be recognized in any public Proceeding.

9. APPRENTICES.

1850.	XIX.	Binding of Apprentices.

10. LOTTERIES.

1844	V	Suppression of Lotteries.

11. POISONS.

1827.	XXI. Ch. IX.	Licenses for and Restrictions on Retail Sale.

12. UNIFORMS AND BADGES.

1827	XXIII. Ch. III.	Restrictions on the Use of Military Uniforms and Badges.

13. MUNICIPAL RULES.

1839	XXVIII.	Regulation of Buildings at the Presidency.
1842.	XIV.	Abatement and Prosecution of Nuisances at the Presidency.
1845.	XI.	Taxes and Assessments at the Presidency—Municipal Fund—Board of Conservancy.
1850.	XVII.	Taking of Land for Railways or other public Purposes at the Presidency.
—	XXVI.	Improvements in Towns.

14. NAWAB OF SURAT.

1827.	XXXIV.	Special Powers of, for recovery of Arrears of Revenue.
1848.	XVIII.	Administration of the Estate of, and Continuation of Privileges to his Family.

REGULATIONS

PASSED BY THE

GOVERNOR IN COUNCIL OF BOMBAY.

(PRELIMINARY REGULATION.)

A.D. 1827. REGULATION I.*

Reg. I. 1827.

CONSISTING OF FOUR (4) CHAPTERS AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Rescission of former Regulations	I.
II.	Forms of framing and publishing Regulations	II.
III.	Application and effect of Regulations	VI.
IV.	Rules for suspending the force of Regulations, and resorting to Martial Law in cases of necessity	VIII.

A REGULATION *for forming into a regular Code all Rules that may be enacted for the internal Government of the Territories subordinate to the Presidency of Bombay:* PASSED *by the Governor in Council, on the* 1*st January*, 1827.

Preamble.

WHEREAS it is essential to good government, to the full and certain attainment of the advantages of experience in legislation, to public prosperity, and to the security and happiness of the subjects of the state, that the rules by which the administration of the country is conducted should be publicly known; it has therefore been deemed expedient, that all regulations which may be passed by the Government of Bombay affecting in any respect the rights, persons, or property of its subjects, and the reasons for passing the same, should be published, with translations in the native languages, and formed into a regular code, and that such regulations should be of paramount authority on the points which they deter-

* Chapter II. of this enactment has ceased to be operative in respect of legislation since the passing of the Statute 3 & 4 William IV. c. 85, of which the 43rd section vests in the Governor-General in Council the power of making laws for the several presidencies. It is retained in this collection because it is a key to the use of the laws passed by the Bombay Government from 1827 to 1834, when the power of local legislation ceased.

mine, to all other acts, orders, or measures of Government: and whereas, from the year 1799 to the present period, various regulations have been passed in accordance with these views by the Governor in Council, which it has been resolved to consolidate, with such alterations as have been approved, into a more perspicuous and convenient form;—the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

RESCISSION OF FORMER REGULATIONS.

Former regulations rescinded: Exceptions.

I. All Regulations issued prior to 1st January, 1827, are rescinded, except those maintained in force [*for a temporary purpose by Regulation XX.* A.D. 1827].

Substitute Sec. I. Act I. 1838. The enactments still remaining in force are appended to Reg. XX. 1827.

CHAPTER II.

FORMS OF FRAMING AND PUBLISHING REGULATIONS.

Divisions of the code: Branches.

II. *First.* The code shall be composed, in addition to the subject of the present preliminary regulation, of branches descriptive of the principal subjects of legislation.

Regulations how to be marked and numbered.

Second. Each regulation shall be marked with the date of the day and year in which it was passed, and shall be numbered according to its order in the regulations of the year; and, if it be on the subject of any former regulation, it shall further be described and numbered as a supplement to such regulation. It shall also, unless it be a supplement to the present regulation, bear on the commencement of it a specification of the branch of the code to which it belongs.

When as supplements.

According to forms given.

Third. Examples of the forms prescribed in the preceding clause will be found in Appendix (A).

Each regulation to have a title and preamble.

Fourth. Each regulation shall have a title expressing concisely its subject, and a preamble stating the reasons for enacting it.

And to be divided when necessary into chapters, and composed of sections and clauses,

Fifth. Each regulation shall be divided, if requisite, into chapters, and shall be composed of sections numerically arranged, the numeration being continuous throughout the regulation, and, when convenient, a subdivision into clauses shall be used, which shall also be numerically arranged;

And to be furnished with appendixes when necessary.

forms, lists, and explanations may be added in appendixes alphabetically distinguished.

Each chapter to have a title, and each section and clause a marginal abstract.

Sixth. The subject of each chapter shall be concisely and conspicuously stated at the commencement, and the subject of each section and clause shall be stated in the margin.

List of the regulations to be made.

III. The Court of Sudder Adawlut shall draw out and forward, on the 1st February of each year, to the Governor in Council, for publication, a list, according to the form contained in Appendix (B), of the titles of all regulations, including the titles of their respective chapters, which may have been published previously to the preceding year, the number of the section with which each chapter commences being also specified with the title of the chapter: the regulations shall be arranged in the list according to their dates and numbers in the code, except that supplementary regulations shall be entered immediately after the regulations to which they

are supplementary: in a separate column, opposite to the title of each chapter or regulation, shall be inserted any rescission that may have been made, specifying the particular part (if partial) by reference to the numbers of chapters, sections, or clauses, as the case may be, and referring in the same way to the rescinding enactment; but, if a whole regulation has been rescinded, it shall not be necessary to enumerate the chapters or their titles: a copious Index to the Code will also be published periodically, under the directions of Government; but neither the list nor index shall be of any force as an enactment.

Rescission how to be entered in the list.

An index also to be published;

But the list and index have no force as law.

IV. The code shall be translated, by such persons as the Governor in Council may appoint, into such languages as may be required for the use of each district, and copies of the translations shall be kept at each Zillah Court, to be inspected by any one who may desire.

Regulations how to be translated and published.

V. Public authorities holding direct communication with Government, should they deem new enactments necessary, are to submit the same (but not in the shape of a regulation), with their reasons for recommending them to the Governor in Council, through the medium of the Court of Sudder Adawlut, which, in forwarding them, will add such observations as it may conceive to be useful. The framing and publishing of regulations in the prescribed mode will be conducted under the orders of the Governor in Council.

How new ones may be proposed by public authorities, and how they may be

Framed and published.

CHAPTER III.

APPLICATION AND EFFECT OF REGULATIONS.

VI. Regulations are to be in force at such places and from such periods as may be declared in a regulation actually in force.

Time and place of regulations taking effect.

VII. *First.* One part of a regulation is to be construed consistently with another, so that the whole may stand.

Regulations how to be construed:

Second. And that the code to be now framed may not be construed by that hitherto in use, with which the local authorities have been long familiar, the Governor in Council reserves to himself, for a period of two (2) years after the commencement of the operation of the new code, the privilege of declaring the meaning of the law, and such meaning, declared and promulgated as Government may direct, shall be the legal interpretation.

The interpretation of the law when in force reserved to the Government for two (2) years,

Third. After the said period of two (2) years, the interpretation of the law shall be vested in the Sudder Adawlut.

And then vested in the Sudder Adawlut

CHAPTER IV.

RULES FOR SUSPENDING THE FORCE OF REGULATIONS AND RESORTING TO MARTIAL LAW, IN CASES OF NECESSITY.

VIII. In case of war or rebellion, the Governor in Council may, by proclamation made in such manner as he may deem advisable, direct civil and criminal law to be suspended at such places and for such period, while the war or rebellion continues, as he may think necessary for the public safety.

Suspension of civil and criminal law.

During which period acts of treason and rebellion may be tried by court-martial,

And punished with death:

IX. During the suspension of law as above mentioned in the preceding section, the Governor in Council may order acts of treason or rebellion against the British Government, committed during such period by persons owing, by birth or residence, allegiance to the said Government, to be tried by court-martial, and any person so tried and convicted shall be liable to the immediate punishment of death.

And other crimes, as Government may direct.

X. During the suspension of law as above mentioned, the trial and punishment of crimes and offences not included in the preceding section, and the general police of the country, shall be conducted as the Governor in Council may prescribe for the occasion.

Government may at its option reserve offenders for trial in the ordinary way.

XI. The Governor in Council may, at his option, instead of following the course authorized in the two preceding sections, cause to be reserved for trial by the ordinary course of law when restored, any person charged with having committed any of the offences specified in the above-quoted sections, during the suspension of the ordinary law, and such person shall be amenable to such trial, in the same manner as if the offence had been committed while the ordinary law was in force. See Act V. 1841.

APPENDIX (A).

Appendix (A).

No. 1.—Form of heading for a Regulation upon a new subject of legislation.

(Branch)

A.D. —— Regulation ——

No. 2.—Form of heading for a Regulation upon the subject of a former Regulation.

(Branch*)

A.D. —— Regulation ——

Supplement 1, 2, 3 (or as the case may be), to Regulation —— A.D. ——

APPENDIX (B).

Appendix (B).

Regulation I. A.D. 18—.

Passed on the ——— of ———.

For forming into a regular Code all rules that may be enacted for the internal Government of the British territories under the Government of Bombay.

Chapter I. Commencing with Section I.	Rescission of former Regulations.	
Chapter II. Commencing with Section II.	Forms of framing and publishing Regulations.	Section III. has been rescinded by Section VI. Regulation V. A.D.
Chapter III. Commencing with Section VI.	Application and effect of Regulations.	
Chapter IV. Commencing with Section VIII.	Rules for suspending the force of Regulations in cases of necessity.	Section XI. has been rescinded by Section I. Regulation III. A.D.

* To be omitted if the regulation be a supplement to the preliminary regulation.

Appendix (H), *continued.*

Regulation III. A.D. 18—.
(Supplement I. to Regulation I. A.D. ——.)
Passed on the —— of ——.
To rescind Section XI. of that regulation, and substitute other rules on its subjects.

Regulation V. A.D. 18—.
(Supplement II. to Regulation I. A.D. ——.)
Passed on the —— of ——.
For altering the rules for forming regulations, and suspending the force of them.

Chapter I. Commencing with Section I.	Additional Rules for framing Regulations.	
Chapter II. Commencing with Section X.	Additional Rules for suspending the force of Regulations in cases of necessity.	
Regulation II. A.D. Passed on the —— of ——. To establish Rules for levying duties on the manufacture of salt.		This Regulation has been rescinded by Section I., Regulation VIII. A.D. ——.

(BRANCH OF CIVIL JUDICATURE.)

A.D. 1827. REGULATION II.

Reg. II 1827.

CONSISTING OF SIX (6) CHAPTERS AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of the Supreme Court of Sudder Adawlut	I.
II.	Of Zillah Courts, inclusive of the Subsidiary Courts of the Assistant Judges	XVI.
III.	Of the Appointment, Removal, and Punishment of Officers of Courts	XXXIV.
IV.	Of Courts of Commissioners for deciding Civil Suits	XXXVII.
V.	Of Courts for the Recovery of Debts due by British Subjects ...	XLV.
VI.	Of Pleaders	XLVII.
	SUPPLEMENTS.	
	I. Regulation VII. 1828. [Rescinded.]	
	II. —— I. 1830.	
	III. —— XVIII. 1831.	
	IV. —— II. 1833.	

A REGULATION *for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and officers thereof:* PASSED *by the Governor in Council, on the* 1st *January,* 1827.

WHEREAS it is essential to the due administration of the laws, and to the ends of good government, that the constitution of courts of justice, Preamble.

and the powers and duties of the judges and officers thereof, should be defined and promulgated; the following rules are therefore enacted, to take effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

OF THE SUPREME COURT OF SUDDER ADAWLUT.

Constitution of the Sudder Adawlut, and its civil designation.

I. *First.* There shall be a Supreme Court or Sudder Adawlut, the seat of which shall, on being fixed or changed, be made known by proclamation issued from Government: the said court shall be vested with civil jurisdiction over all the territories subordinate to the presidency of Bombay, in which the Code of Regulations has operation by enactment, and shall in the exercise of such jurisdiction be denominated "Sudder Dewanny Adawlut."

See Act VIII. 1842.

The Court, how composed:

II. The court shall consist of three or more judges; the senior to be denominated "Chief Judge," and the others "Puisne," or "Second," "Third," "Fourth," &c.

See Sec. ii. Reg. I. 1830.

Its seal:

III. *First.* The Court of Sudder Dewanny Adawlut shall use a circular seal two inches and a quarter in diameter, bearing, in the English, Mahratta, Guzerattee, and Persian languages, the following inscription, "Sudder Dewanny Adawlut of Bombay."

Where to remain:

Second. The seal shall remain in the custody of the registrar of the court.

Oaths of the judges.

IV. Each judge, previously to exercising any of the functions of his office, shall take and subscribe before the Governor in Council, or any person whom he may commission to administer it, the oath contained in Appendix (A).

See Act XXI. 1837.

The Court to receive appeals, and revise and rectify the proceedings of inferior tribunals:

V. *First.* It shall be the duty of the Sudder Dewanny Adawlut to hear and determine appeals against decrees and orders passed in the Zillah Courts, and in certain cases to enforce the hearing of suits and complaints by such courts, to enjoin an adherence to forms of proceeding prescribed by the Regulations when neglected or infringed, and to give such directions, with respect to forms not provided for by the Regulations, as it may deem expedient.

Also to call for and regulate such proceedings:

Second. It shall also be competent to the said court to call for the proceedings of any subordinate civil court, and to issue such orders thereon as the case may require.

to remark and report misconduct of judges and their assistants:

VI. *First.* It shall further be the duty of the Sudder Dewanny Adawlut to examine into, and point out and remark on, and, if necessary, report to the Governor in Council, any acts of negligence or misconduct on the part of the Zillah Judge, or any other covenanted servant employed in a court of civil justice.

to try cases of misconduct of native officers of court,

Second. To investigate charges of negligence or misconduct preferred against any native officer of the court, or to refer the charges to one or

more of its members for the purpose, and, if considered advisable, to employ against such officer the powers vested in it for his suspension or dismission.

See Sec. xi. Reg. III. 1830.

Third. To direct the *judge* on circuit to investigate all similar charges preferred against any kazee, *commissioner for deciding civil suits*, or pleader, or against any law officer; and, if the report of the *judge* on circuit convince the Sudder Adawlut that the alleged offence has been committed, to report, in the case of a kazee, the circumstances to Government; and in the case of any other of the above-mentioned officers, to employ against the individual accused the power vested in it for his suspension or dismission.

or to direct the *judge* on circuit to try them:

Fourth. But before any measures be adopted, as authorized in the preceding clauses, the person preferring the complaint (if the case shall not have been received from the zillah judge) shall make *oath* that he applied, in the first instance, to the judge of the zillah to which the offender belonged, and failed to procure redress; and if the *judge* on circuit shall discover during the investigation that such application was not made, or that it was made and met with suitable attention, he shall cease from further proceedings, and acquaint the Sudder Adawlut of the same.

the complainant having applied in vain to the zillah judge.

See Act. XXIII. 1840.

VII. By the provisions of 53 Geo. III., c. 155, s. 113, the Sudder Adawlut is vested with authority to execute all manner of lawful process of arrest, within the limits of the town and island of Bombay, on persons subject to its jurisdiction, provided that such process shall be in writing, and that a translation of it, or of its substance, signed by one of the judges of the said Sudder Adawlut, shall be under-written, or endorsed thereon, or annexed thereto.

Power of arrest in Bombay granted to the Sudder Dewanny Adawlut by Act of Parliament.

VIII. *First.* The Sudder Dewanny Adawlut shall, on demand from the Governor in Council, furnish copies of its own proceedings, or those of any subordinate court, on any subject which may be required.

Second. The Sudder Dewanny Adawlut shall also forward to the Governor in Council such returns of suits filed or decided, or of any other judicial matters as may be required by the latter authority, whether the returns relate to business transacted in the Sudder Dewanny Adawlut, or any court subordinate to it.

The Court to forward to Government, when required, its own proceedings, or those of other courts:

also returns.

See Sec. ii. Reg. I. 1830.

IX. *First.* Three or more judges of the Sudder Dewanny Adawlut shall constitute a court for the trial of appeals requiring such tribunal, under the provisions of Section X.

A Court, formed by three or more judges for trying appeals in the second instance:

Second. For other purposes, two or more judges shall constitute a court; if two judges only sit, and they concur, their act shall be the act of the court; but if they differ, the opinion of a third judge shall be requisite, and decision shall be according to the majority of voices.

for other purposes two judges suffice:

but if they differ in opinion, a third must sit:

Third. If four judges sit, and the number of voices is equal, the senior judge shall have the casting voice.

Decision how made when the voices of four judges are equally divided,

Fourth. If more than four judges sit, the decision shall be according to the majority of voices, but if the number of voices is equal, the senior judge shall have the casting vote.

and when more than four judges sit:

Referring judge's opinion a vote.

Fifth. But in any matter referred to the court by one of the judges, his recorded opinion shall be considered as a vote.

Appeals tried by one judge.

X. *First.* All appeals to the Sudder Dewanny Adawlut shall, in the first instance, be referred by the court to one of its judges, who shall pass judgment therein, provided such judgment confirm the decree appealed from.

In what cases reserved for trial by the court.

Second. But if the judge is not prepared to confirm the decree, he shall record his opinion that a full court is required, and the suit shall thereafter be tried by a court consisting of any three or more judges of the Sudder Dewanny Adawlut.

Appointment and oaths of the register and his assistant.

XI. *First.* The court shall have a register, and one or more assistant registers, who, previously to entering on the duties of their offices, shall take and subscribe in open court the oath contained in Appendix (B). See Act XXI. 1837.

The register to file appeals and official papers:

Second. The duty of the register shall be to file all appeals, receive and mark all pleadings, exhibits, and other papers in suits, and to receive and file all papers which may be brought into court. See Act XII. 1845.

to keep the court's minutes, sign its processes, and prepare its decrees:

Third. The register shall keep the minutes of the court, shall prepare and sign all orders, precepts, and all other process issuing from the court, and prepare decrees for the signatures of the judges.

to take depositions, &c.

Fourth. It shall further be his duty to take depositions out of court when so authorized, and generally to perform all such official acts as the court may direct.

and to keep the records.

Fifth. He shall also have charge of the general records.

Duties of the assistant registers.

Sixth. The assistant registers shall be denominated "first," "second," &c., as expressed by their respective orders of appointment; they will assist the register in the performance of his duties, and the highest assistant present will act for him in his absence.

Appointment of the serishtadar and record-keeper.

XII. *First.* There shall be placed under the orders of the register such number as may be requisite of serishtadars and record-keepers.

Duties of the former,

Second. The duties of the serishtadar shall be to take down depositions, prepare rules, orders, and other process, examine accounts, and make translations or copies of papers, &c. in the different languages used in the court.

and the latter:

Third. The duties of the record-keeper shall be to assist the register in keeping and arranging the native records.

Their declarations.

Fourth. Previously to entering upon the duties of his office, each serishtadar and record-keeper shall take and subscribe in open court the solemn declaration contained in Appendix (C).

Law officers:

XIII. *First.* The court shall have such establishment as Government may deem necessary of Hindoo and Mahomedan law officers.

Their declarations,

Second. Previously to entering upon the duties of their respective offices, they shall take and subscribe in open court the solemn declaration contained in Appendix (C).

and duties.

Third. It shall be the duty of the law officers to attend the court, and to give answers, either verbally, or in writing under their signatures, to such questions on points of their respective laws as may be required, and

further to perform such duties as the court may deem connected with the functions of their offices.

The nazir and his inferior officers.

XIV. *First.* The court shall have a nazir, with such number of inferior officers as the extent of his business may require.

Security to be furnished by the nazir.

Second. Previously to executing any of the functions of his office, the nazir shall provide two sufficient securities, who shall enter into a bond in such sum as the court may judge necessary, binding themselves to be answerable for his faithful discharge of his duties, according to the form contained in Appendix (D).

His declaration and duties.

Third. He shall also take and subscribe in open court the solemn declaration contained in Appendix (C).

Fourth. It shall be the duty of the nazir to serve summonses, to take securities, to execute orders, and generally to fulfil such instructions as he may receive from the court, returning the precept containing the same, with an endorsement specifying the manner in which they were executed, or the cause that has prevented their execution.

Administrators of *oaths.*

See Act V. 1840.

XV. The court shall have, for the purpose of administering *oaths*, such establishment as may be deemed requisite, of duly qualified persons of different persuasions.

CHAPTER II.

OF ZILLAH COURTS, INCLUSIVE OF THE SUBSIDIARY COURTS OF THE ASSISTANT JUDGES.

Appointment of a judge in each of the zillahs under Bombay, which may be altered by Government proclamation.

XVI. *First.* There shall be a judge in each zillah, who shall preside over the Court of Adawlut, and have general control over the establishment annexed thereto.

Second. The zillahs at present established under the Presidency of Bombay are as specified in Appendix (E); but it is hereby enacted that their number and respective limits may at all times be altered by proclamation by Government, provided that no territory shall be rendered subject to the Regulations except by Regulations.

His court, where to be held.

XVII. The judge shall ordinarily hold his court at the Sudder station; but, if circumstances render it necessary, he may, with the permission of the Sudder Adawlut, hold it by adjournment at any other place within the zillah.

His seal.

XVIII. Each zillah judge shall use a circular seal one inch and three-quarters in diameter, bearing the following inscription, in English, and in the language and character of the country in which he holds his court,—"Court of the zillah of ——."

His oath.

See Act XXI 1837

XIX. The judge, previously to exercising any of the functions of his office, shall take and subscribe before the Governor in Council, or any person whom he may commission to administer it, the oath contained in Appendix (A).

Acting judge when to be appointed.

XX. *First.* In case of the absence of the judge, the Governor in Council may delegate to the assistant judge of highest rank on the spot,

authority for the temporary execution of the whole or any part of the duties of judge, or appoint any other person to discharge them.

His oath.

Second. The acting judge, previously to exercising any of the functions of his office, shall take and subscribe in open court, before the assistant judge of highest rank on the spot, the oath contained in Appendix (A), unless the Governor in Council shall himself have administered the oath, or shall have exclusively commissioned any other person to administer it.

See Act XXI. 1837.

Jurisdiction of the court in regard to the receiving of suits.

XXI. *First.* The jurisdiction of the Civil Court shall extend to the cognizance of all original suits and complaints* between natives and others [*not British-born subjects*], respecting the right to moveable or immoveable property, rents, Government revenues, debts, contracts, marriage, succession, damages for injuries, and generally of all suits and complaints of a civil nature, it being understood that no interference on the part of the court in caste questions is hereby warranted, beyond the admission and trial of any suit instituted for the recovery of damages on account of an alleged injury to the caste and character of the plaintiff, arising from some illegal act or unjustifiable conduct of the other party.

Superseded by Act XI. 1836.

How limited from the nature of the case.

Second. Provided that in the case of immoveable property it is situated within the zillah, and that in other cases the cause of action shall have arisen, or the defendant, when the suit commenced, shall have resided as a fixed inhabitant within its limits [*but without prejudice to the exemption from the jurisdiction of the Civil Court enjoyed by the Nuwab of Surat, his relations and servants, by virtue of the treaty concluded between the Company and the Nuwab on the* 13*th May*, 1800, *of the* 7*th article of which a copy is contained in Appendix* (*F*) *to this Regulation* †] :

The Nuwab of Surat's exemption being preserved.

From prior or simultaneous investigation in a competent court :

Third. And provided that no decree has been obtained, or that no suit is pending on the matter in dispute in that or any other court of competent jurisdiction :

From the matter coming under the collector's cognizance :

Fourth. And provided that the suit be not one of those which come under the civil cognizance of the collector, as relating to land, its rent and produce, and other similar matters, in pursuance of the provisions of Chapter VIII., Regulation XVII., A.D. 1827.

From the plaintiff being a British-born subject.

Fifth.‡ And provided, that if the plaintiff be a British-born subject, not in the service of his Majesty or the Company, and shall reside at a distance of more than ten (10) miles from the presidency, he shall have conformed to the rules prescribed by 53 Geo. III. cap. 155, sec. 108th, which directs that such British subjects shall procure certificates from Government of permission so to reside, specifying the place, and whether during the pleasure of Government, or for a limited time, and also that such British subject shall deposit his said certificate in the Civil Court of the respective district within one month after commencing residence therein; and that a copy thereof, attested by the judge or other authorized officer of the said court, shall be delivered to the said British subject, and shall be deemed evidence of the certificate on all occasions unless the

* Suits against certain persons of rank, as well as suits on certain stated subjects, were exempted from the jurisdiction of the ordinary courts, and separate agencies were established for their cognizance in the Dekhan and Kandesh (Poonah and Ahmednuggur) by Regulation XXIX. 1827, and in the Southern Mahratta country by Regulation VII. 1830.

† Ceased to have effect from the death of the Nuwab. See Act XVIII. 1848.

‡ Repealed by 3 & 4 William IV, cap. 85, sec. 81, so far as relates to the territories which were under the government of the Company on the 1st January, 1800.

contrary be shown; but, by the said enactment, it is not incumbent for such certificates to be procured if the residence commenced by the 10th April, 1814, and the Civil Court is empowered to entertain a suit without any certificate having been filed, if affidavit be made by the party satisfactorily accounting for the same:

Suits against certain persons, and for certain matters, not to be admitted.

Sixth. And provided also that the suit be not against a person and in a matter belonging to the jurisdiction of either of the Military Courts of Requests constituted respectively by the Act of [4 *George IV. cap.* 81, *sec.* 57, *and Regulation XXII., A.D.* 1827, *Section VII., and that it be not for any matter of the nature described in Section* 66 *of the above-quoted Act*]:*

See Act XI. 1836.

Court's jurisdiction over British-born defendants.

Seventh. The court shall have jurisdiction over British-born subjects to the extent laid down in Chapter V. of this Regulation.

and over collectors and all public officers.

XXII. The jurisdiction of the Civil Court shall also extend over collectors of the revenue and customs, and generally over all public officers, whether Europeans or others, within the zillah, for acts done in their official capacity unauthorized by any established Regulation.

Substitute Regulation VII. 1831.

Judge's appellate jurisdiction.

XXIII. The jurisdiction of the zillah judge shall further extend to the cognizance, by appeal, of suits previously tried by an inferior court, as specified in Regulation *IV., A.D.* 1827, *Section LXXII.*

The judge to superintend the proceedings of inferior courts:

XXIV. It shall be the duty of the judge to inspect the proceedings of all inferior courts within the zillah, to see that the forms of proceedings prescribed by the Regulations are adhered to, and to give such directions with respect to forms not provided for by the Regulations as he may deem expedient.

to receive and forward to Government complaints in certain cases against European public officers:

XXV. *First.* It shall be the duty of the judge to receive all complaints preferred in writing charging any European officer attached to the judicial, revenue, [*commercial*], or any other public department within the zillah, with corruption or extortion, to take the *oath* of the complainant as to the truth of the complaint, and to forward it without delay to the Governor in Council:

to try cases of misconduct of native public officers under his control, and report, suspend, or dismiss them, as authorised in the particular case.

Second. It shall also be the duty of the judge to receive all complaints preferred in writing charging any of the ministerial or law officers of the court, or any kazee, *commissioner*, or pleader, with negligence or misconduct in the discharge of his public duty, or with acts of profligacy in his private conduct, to take the *oath* of the complainant; and if the truth of the complaint should appear to be established, to report, in the case of a kazee, the circumstances to Government; and, in the case of any other of the above-mentioned officers, to employ against the individual accused the power vested in him for the suspension or dismission of such officer.

The judge to have the control and direction of the civil gaol:

XXVI. The judge shall have the control of the civil gaol of the zillah, which he shall visit, or depute an assistant to visit, at least once in each month, and shall issue such orders connected with the economy thereof,

* Repealed, and new rules substituted by 3 & 4 Vict. cap. 37, and Act XI. 1841.

and the good management, accommodation, health, and security of the prisoners, as he may deem necessary.

To obey all orders on the Sudder Dewanny Adawlut, or *judge* of circuit.

XXVII. *First.* The judge shall also obey all precepts or orders issued to him either by the Sudder Dewanny Adawlut or by a *judge* of circuit, and shall make a return to every such precept, or order, specifying the manner in which it was executed, or the cause that prevented its execution:

and to forward to the Sudder Dewanny Adawlut all returns that may be required,

Second. The judge shall also forward to the Sudder Dewanny Adawlut such returns of suits filed or decided, or of any other judicial matters, as may be required by the latter authority, whether the said returns relate to business transacted in his own court or any one subordinate to it:

but in certain cases after the sanction of Government.

Third. But the Sudder Dewanny Adawlut shall not require returns to be made periodically and permanently without an express order from Government.

Appointment and oaths of senior and junior assistant judges:

XXVIII. *First.* The court shall have, if necessary, one or more senior assistant judges, and one or more junior assistant judges; when there are more than one of either class, they shall be denominated "*first*," "*second*," &c., as expressed in their respective orders of appointment: previously to entering upon the discharge of their respective duties, they shall take and subscribe before the judge in open court the oath contained in Appendix (A):

See Act XXI. 1837.

Their duties under ordinary circumstances, and when holding detached and extended charges.

Second. They shall try and decide civil suits, and perform such other official duties as may be prescribed by the zillah judge: their proceedings shall be conducted according to the rules provided for the judge, and they shall use the seal of the court; they shall hold their courts at the Sudder station of the zillah, or elsewhere, if the judge, with the sanction of the Sudder Adawlut, or by order of Government through that court, shall so direct: a senior assistant may, under this clause, be stationed by such order of Government within another zillah, if found expedient; may, in like manner, have his judicial jurisdiction enlarged to the extent stated in Clause Sixth, and may be vested with special territorial jurisdiction, and with such of the powers of the zillah judge as may be suitable to the occasion, the requisite instructions being communicated by Government to the Sudder Adawlut, and conveyed to the said assistant through the judge, who will also publish a notification thereof, in the language of the district:

Modified by Sec. iv. Reg. I. 1830.

The first senior assistant at the station ex officio superintendent of the register of title-deeds and general register: his absence how provided for.

Third. The senior or first senior assistant judge at the Sudder station shall be ex officio superintendent of the register of title-deeds and general register of the zillah; and in case of his absence, or being otherwise prevented from performing the said duties, they shall devolve upon the assistant next in rank at the Sudder station:

See Regs. IX. 1827, and XIII. 1828.

Absence of the judge how provided for during a reference to Government.

Fourth. In case of the death of the judge, or his being prevented from performing his duties by indisposition or other casualty, the first in rank of the assistant judges shall report the circumstance to the Governor in Council, and, until otherwise instructed, shall confine himself to the peculiar duties of his office, and the exercise of such part of the powers of the judge as may be necessary for filing suits, receiving pleadings, or executing process, or for matters of emergency.

Fifth. The judge may refer suits not exceeding Rs. 5,000 in amount for trial to a senior assistant judge, and suits not exceeding Rs. 500 in amount to a junior assistant judge: Suits which a judge may refer to his assistants.

Sixth. And, when the state of judicial business requires such agency, the Governor in Council may, after receiving a report from the judge and the opinion of the Sudder Adawlut, convey to the judge, in the mode described in Clause Second, authority to refer suits not exceeding Rs. 10,000 in amount, and appeals from decisions passed by a junior assistant judge or *commissioner*, for trial to the senior assistant judge, or so many of such officers as may be necessary. How the jurisdiction of senior assistant may be extended when necessary.

Modified by Secs. III. and IV. Reg. I. 1830, and Reg. VII. 1831.

XXIX. *First.* Each Zillah Court shall have such establishment as Government may deem necessary of Hindoo and Mahommedan law officers: Law officers:

Second. Previously to entering upon the duties of their respective offices, they shall take and subscribe before the judge in open court the solemn declaration contained in Appendix (C): Their declaration:

Third. The duties of the law officers shall be the same as are prescribed in Section XIII., Clause Third, of this Regulation, so far as concerns the answering of questions on points of law put to them by the judge: Their duties to expound the law in the court of the judge,

Fourth. They shall also return written answers on such points of Hindoo or Mahommedan law as shall be submitted to them in writing by an assistant judge or *commissioner*: and in those of the assistant judges and commissioners.

Fifth. They shall also, when so directed by the judge, take the examinations of persons applying to be admitted to sue as paupers, and shall further perform such duties as the judge may deem connected with the functions of their situations. Also to take the examinations of paupers, &c.

XXX. *First.* The court shall have a nazir, with one or more deputies, and such other inferior officers, whether writers or peons, as the extent of business may require. Appointment of a nazir and his inferior officers and establishment:

Second. The nazir shall provide the securities, and take and subscribe the solemn declaration directed in Section XIV., Clauses Second and Third, of this Regulation, to be provided and taken by the nazir to the Sudder Adawlut: His securities and declaration.

Third. It shall be the duty of the nazir, either personally or by means of his inferior officers, to serve summonses and to fix up notices issuing from the court, to take all securities required by the court, and to execute all written orders or process to him directed, more especially for the apprehension or custody of persons, and for the sequestration, attachment, or sale of property to answer the court's decrees: The nazir to execute all orders and processes.

Fourth. The nazir shall return the summons or order on the day appointed, with an endorsement specifying the manner in which it has been executed, or the cause that has prevented its execution: Returning the same duly endorsed.

Fifth. The nazir shall be ex officio keeper of the civil gaol of the zillah, and shall be responsible for the safe custody of the prisoners, and for the due observance of the orders of the judge on all points connected with their treatment. To be the keeper of the civil gaol.

XXXI. *First.* Each court shall have so many serishtadars and writers subordinate to them as the extent of business may require: Serishtadars and native writers.

Declaration of the serishtadar.

Second. Each serishtadar shall take and subscribe in open court the solemn declaration contained in Appendix (C):

The serishtadar to file all plaints and official papers;

Third. It shall be the duty of the serishtadar to keep a register of all plaints filed in the court, and to receive and file all pleadings, exhibits, and other papers in civil suits:

to record minutes of proceedings, depositions, &c.;

Fourth. To take down in writing minutes of the proceedings of the court, the depositions and examinations taken in it, and all orders and judgments that may be passed:

to examine accounts and make abstracts thereof;

Fifth. The serishtadar further shall examine, in presence of the parties interested, all matters of account referred to him by the court, and prepare such abstracts or statements as the order of reference may require:

to prepare official papers,

Sixth. He shall also prepare all summonses, orders, warrants, decrees, proclamations, or other writings issuing under the seal and signature of the court, and copies of such papers in court as may be required:

and to frame the record.

Seventh. The serishtadar shall keep a record of the proceedings of the court:

Papers in suits when to be given over to the record-keeper by the serishtadar,

Eighth. The serishtadar shall, if practicable, deliver over to the charge of the record-keeper the papers in all causes decided in any of the courts of the zillah, within thirty (30) days after a decree has been passed, unless an appeal has been entered:

with an inventory and a receipt for the same passed.

Ninth. An inventory shall be delivered along with the papers to the record-keeper, and the serishtadar shall obtain a receipt for them in a book to be kept for that purpose.

The record-keeper and his assistants;

XXXII. *First.* The court shall have a record-keeper, with so many assistants as may be necessary, who shall have charge of the records of all the civil courts within the zillah:

His declaration.

Second. The record-keeper shall take and subscribe the solemn declaration contained in Appendix (C):

The record-keeper how to arrange papers,

Third. He shall arrange each paper according to its number in the respective suit:

and suits.

Fourth. The suits shall be arranged during the current year according to the date on which they were respectively delivered in for record, and shall be so kept until the year is completed, when they shall be arranged for permanent record, according to the year in which they commenced respectively, and the number which each bears upon the general file of that year:

Record-keeper's book.

Fifth. The record-keeper shall keep a day-book in the form contained in Appendix (G), in which he shall make an entry of every paper delivered into his office belonging to any suit, noting the number of the suit, the date of filing the plaint, the names of the parties, the court in which it was tried, the date of the decree, the number of the papers in the suit, and the date when it was delivered in for record.

Administerers of *oaths.*

XXXIII. The court shall have, for the purpose of administering *oaths*, such establishment as may be deemed requisite of duly qualified persons of different persuasions.

CHAPTER III.

OF THE APPOINTMENT, REMOVAL, AND PUNISHMENT OF OFFICERS OF COURTS.

Judges and their assistants, registers and their assistants, how appointed, suspended, and removed.

XXXIV. *First.* All judges, assistant-judges, registers, and assistant-registers shall be appointed by the Governor in Council, by whom only they can be suspended or removed:

Law officers how appointed and removed, and suspended.

Second. All law officers shall be appointed by the Governor in Council, by whom only they can be dismissed:

Third. But any law officer may be suspended by the Sudder Adawlut during the pleasure of Government, to whom a report shall forthwith be made, and a law officer on the establishment of a Zillah Court may also be suspended by the zillah judge, pending a reference to the Sudder Adawlut, which court, if it confirm the suspension, shall report the case to Government as above directed:

All ministerial officers to be appointed, suspended, and dismissed by the court.

Fourth. All ministerial officers of courts of civil justice shall (subject to the undoubted right of Government to appoint, suspend, or dismiss any such officer at its pleasure) be appointed, and may in like manner be suspended or dismissed by the Sudder Dewanny Adawlut, or the zillah judge, under whose immediate control they may respectively officiate: but the nomination, suspension, and dismission of a nazir in a Zillah Court must be reported to the Sudder Adawlut, and in the Sudder Adawlut must be reported to Government.

Certain cases of suspension of law officers to be investigated by the *judge* of circuit, and decided upon by the Sudder Dewanny Adawlut.

See Sec. xi. Reg. III. 1830.

XXXV. *First.* Whenever a law officer of a Zillah Court is suspended on any charge not being a criminal offence, the Sudder Dewanny Adawlut shall direct the *judge* of circuit, when on circuit in the zillah, to call the party accused before him, and after investigating the facts, to transmit to the court the proceedings, with his opinion on the case:

Second. The Sudder Adawlut, after considering the proceedings, may restore such officer, or confirm his suspension during the pleasure of Government, to whom a report shall forthwith be made.

Misconduct and neglect of duty in native officers of courts punishable as criminal offences, being cognizable by the Zillah Court and higher tribunals:

XXXVI. *First.* Bribery, extortion, and generally all acts of abuse, or misapplication of authority, or neglect of duty, committed by any native officer on the establishment of a court of civil justice, shall be punishable as criminal offences, with fine, ordinary imprisonment without hard labour for a period not exceeding seven (7) years, and public disgrace; and the receipt of a present, directly or indirectly, from any person against whom or in whose behalf such officer may be employed to perform any official duty, shall be considered extortion:

Second. The above-recited offences shall be cognizable by the *Criminal Court of the Zillah*, and other higher tribunals of criminal judicature; but if the offender should belong to the establishment of the Sudder Adawlut, the case will be tried by that court in its criminal capacity, whose sentence will be executed by the proper subordinate court, on precept issued to that effect:

And other prosecutions are not thereby precluded.

Third. Punishments adjudged under this section shall not preclude any other prosecution, civil or criminal, to which the offender may be liable.

CHAPTER IV.

OF COURTS OF COMMISSIONERS FOR DECIDING CIVIL SUITS.*

Appointment of *commissioners* for deciding civil suits;

XXXVII. *First. Native commissioners* may be appointed in each zillah for trying and deciding, under the rules prescribed in Regulation IV., A.D. 1827, civil suits filed by the *commissioner* in conformity with the said rules, or received from the judge, who is hereby empowered to refer the same to the *commissioner;* provided, that in all suits tried by a *commissioner* the defendant reside within the limits of the *commissioner's* jurisdiction [*and that neither party be an European or American*], and further that the cause of action be not liable to any of the objections specified in Section XXI. of this Regulation:

Superseded by Act XI. 1836.

provided that they are not interested in the result.

Second. But the *commissioner* shall take cognizance of no suit to which his near relation, or one of his immediate servants or dependants is a party:

See Clause 2, Sec. v. Reg. I. 1830.

The number of *commissioners* and their stations how determined.

*Amount of suits cognizable between Rs.*500 *and Rs.* 5,000.

Third. The number of *commissioners* for each zillah, the stations where their courts are to be held, *the extent of their districts, and the amount of the suits coming within their jurisdiction* (*which shall not fall short of Rs.* 500, *nor exceed Rs.* 5,000), shall be regulated from time to time by the judge, with the sanction of the Sudder Dewanny Adawlut, and confirmation of the Governor in Council, or by order of Government, communicated to the judge through the Sudder Adawlut.

See note at foot.

The judge to select the *commissioner*, and the Sudder Dewanny Adawlut to grant the commission;

XXXVIII. *First.* Each *commissioner* shall be selected by the zillah judge, and proposed to the Sudder Dewanny Adawlut, which court, if it see no objection to the selection, shall furnish the party with a commission under its seal and the signature of its register, according to the form contained in Appendix (H) [*except that in the case of a commissioner sitting at the Sudder station such part as confers the power of filing and trying unreferred suits is to be omitted*]:

Modified by Sec. ii. Reg. XVIII. 1831, and Act IX. 1844.

which shall specify the jurisdiction conferred,

Second. The commission shall specify [*the district over which the jurisdiction of the commissioner extends and*] the highest amount of suit falling within his jurisdiction, and that [*Europeans and Americans*] are excluded from his jurisdiction, as well as suits in which his relations and servants or dependants are parties: a copy of his commission shall be kept suspended by the *commissioner* in his court-room:

Rescinded by Sec. i. Reg. II. 1833.

Superseded by Act XI. 1836.

and shall be open to public view,

Third. A commission may be annulled by order of Government to the Sudder Dewanny Adawlut, or by the authority of that court, a report being made to Government: the annulling order shall be executed through the medium of the zillah judge, on precept addressed to him by the Sudder Dewanny Adawlut: *commissioners* may also, for misbehaviour or neglect of duty, be suspended from official employment and emolument by the zillah judge, but such suspension shall be reported to the Sudder

for misconduct and breach of duty, to suspension and civil and criminal prosecution.

* The native commissioners or judges were divided into three classes by Regulation XVIII. 1831, and their designations were altered by Act XXIV. 1836, to those of Principal Sudder Ameen, Sudder Ameen, and Moonsif. Act IX. 1844, provided that all suits cognizable by the first two classes should be ordinarily instituted in their courts. Their jurisdiction, as to amount, was fixed by Sec. v. Regulation I. 1830, as modified by Sec. iii. Regulation XVIII. 1831, by which enactments original jurisdiction in all suits was transferred to them. Their local jurisdiction is to be settled according to Sec. iii. Act IX. 1844.

Dewanny Adawlut, and if the period of suspension exceed two months, the case shall be referred to the Sudder Dewanny Adawlut, for its final orders, which shall further decide on the *commissioner's* eventual restoration or dismission: *commissioners* shall also be subject to the prosecutions and penalties specified in Section XXXVI. for the offences therein recited.

Commissioner's seal:

XXXIX. Each *commissioner* shall use a circular seal one inch in diameter, bearing the following inscription, in the language and character of the country in which he holds his court, viz., "*Commissioner* for the zillah of ———, or, for the district of ———, in the zillah of ———."

His declaration.

XL. Previously to exercising any of the functions of his office, the *commissioner* shall take and subscribe before the judge in open court the solemn declaration contained in Appendix (I).

Superseded. See note at Sec. ii. Reg. IV., 1827.

XLI. *First.* The *commissioner* shall receive for trial before himself, *or for transmission to the judge, under the forms and rules prescribed for those purposes in Regulation IV. A.D.* 1827, *Section II.*, such plaints as may be preferred to him:

This *commissioner* how to receive and dispose of plaints,

Second. The *commissioner* shall act as arbitrator when applied to for that purpose, as directed in Regulation VII. A.D. 1827, Section II. Clause Second:

and when to act as arbitrator:

Third. The *commissioner* shall execute all such process as is issued and directed to him by the judge for that purpose.

His ministerial duties:

More *commissioners* than one may try the same suit.

XLII. The judge may for special reasons refer a suit to two or more *commissioners* jointly.

Superseded by Act XI. 1836.

XLIII. If whilst a suit is pending it shall appear that either of the parties [*is an European or American, or*] is related to the *commissioner*, or is his servant or dependant, that the *commissioner* is personally interested in the suit, that the defendant is a public servant, and that the suit is brought for acts done by him in his public capacity, that the evidence could be more conveniently taken elsewhere, or that other sufficient reason exists why the *commissioner* should not take cognizance of the suit, he shall stay further proceedings and send up such suit to the judge, or the judge may require him to do so, and in either case the judge may try the suit himself, or refer it to any competent authority for that purpose.

See Cl. 2, Sec. v. Reg. I. 1830.

How a suit pending before a *commissioner* may be referred to the judge.

Returns to be forwarded by the *commissioner* to the judge.

XLIV. The *commissioner* shall forward to the zillah judge such returns of suits filed or decided, or of any other judicial matters, whether originating in regular suits or arbitration, as may be required by the latter authority.

CHAPTER V.

OF COURTS FOR THE RECOVERY OF DEBTS DUE BY BRITISH SUBJECTS.

See Act XI. 1836.

Jurisdiction of magistrates in cases of

XLV. *First.* By Act 53 George III. cap. 155, sec. 106, authority is conferred on magistrates, each within his respective jurisdiction, and with-

debt stated to be due by British subjects.

out the limits of the jurisdiction of the Court of Requests at the presidency, to take cognizance of any debt not exceeding fifty rupees alleged to be due by a British subject who may be resident in, or have contracted the said debt within the said jurisdiction to a native resident in India, and without the jurisdiction of the said Court of Requests; but by Act 4 *George IV. cap.* 81, *sec.* 57, officers and soldiers are excepted from the operation of this rule:

Substitute 3 & 4 Vict. cap. 37.

The magistrate's decision final, and the amount decreed leviable by his authority:

Second. A decision made under the preceding clause is declared by the said enactment to be final, and the amount leviable by warrant under the hand of the magistrate on any property of the debtor which may be found in the above jurisdiction; and if no such property be found, then the debtor may be committed (by warrant, under the hand of the magistrate) to confinement, for a period not exceeding two (2) months, in any fit place within the said jurisdiction; or if there be no such place, then in the gaol at the presidency:

His proceedings to be summary?

Third. And also the proceedings in such cases are enacted to be conducted in a summary manner.

XLVI. [Recital of the provisions of 53 George III. cap. 81, sec. 107.] *Superseded by Act XI.* 1836.

CHAPTER VI.

OF PLEADERS.

Authorized pleaders to hold *sunnuds*,

XLVII. *First.* Natives or others may be authorized to practise in each court as pleaders (vakeels) in behalf of parties in any judicial proceeding, being qualified by *sunnud* according to the rules in the succeeding section.

See Secs. iv. and v. Act I. 1846.

and to act in all suits where the parties or their recognized agents do not appear.

Second. No person shall be allowed to act in any such proceeding except such pleaders, or the parties themselves, or their recognized agents, as provided in Regulation III. A.D. 1827, Section III. Clause Second.

Third. [In the court of a commissioner.] *Repealed by Section III. Act I.* 1846.

A pleader for Government may hold a general vakalutnama.

Fourth. In matters to which Government is a party it shall be lawful for a pleader to act on a general vakalutnama, to be issued by the officer under whose control the said matters are conducted, provided a duplicate be deposited in the Zillah Court of the district in which he practises.

The number of pleaders to be unlimited:

XLVIII. *First.* The number of pleaders shall not be limited, but any person duly qualified, and of unexceptionable character, shall be entitled to a *sunnud of appointment:*

See Sec. iv. Act I. 1846.

Second. [Qualifications how to be ascertained.] *Repealed by Section III. Act I.* 1846.—*See Sec. IV. of that Act.*

and their sunnuds issued.

Third. Each pleader, on being found qualified, shall be furnished with a *sunnud*, under the seal of the Court of Sudder Dewanny Adawlut, *in the form of Appendix* (J).

Modified by Sec. iv. Act I. 1846.

The practice of pleaders how regulated.

XLIX. The pleaders in the Zillah Courts shall practise each in such particular court or courts as may be assigned to them by the zillah judge, or indiscriminately in all the courts of the respective zillah, if it be not found necessary to appropriate the pleaders to particular courts.

L. *First.* A pleader shall not be allowed to act in any suit or proceeding until he has obtained from the party, and filed in court, a power of attorney (vakalutnama), according to the form contained in Appendix (K), appointing him pleader in the cause: — On appearing in a suit, the pleader must file a vakalutnama.

See Secs. vii. and viii. Act I. 1846.

Second. If a party engages a pleader to act in his behalf, he shall present him with eight annas as a retaining fee, for which the pleader shall grant him a written acknowledgment, specifying the date of payment; and if the said retaining fee be not offered, the pleader shall demand it, and abstain from all proceeding until it be delivered: — Retaining fee to be paid by the party engaging a pleader; after receipt of which, the pleader must perform his engagement.

See Secs. vii. and viii. Act I. 1846.

Third. If, after receiving the retaining fee, a pleader shall engage with or act for the other party, or refuse or omit to act on behalf of his client, he may be punished by a fine not exceeding Rs. 500; or, if the matter in litigation be less than Rs. 250, then not exceeding twice the amount of the sum in dispute between the parties; or, if the circumstances are of an aggravated nature, may be suspended or dismissed, under the rules contained in Section LVI. of this Regulation: — Penalty in case of misconduct; to be enforced by the zillah judge, or any superior court in which the suit is pending.

Superseded by Secs. x. and xii. Act I. 1846.

Fourth. The fine may be inflicted by the court in which the suit relative to which the failure of duty occurred may be pending [*unless such court be subordinate to that of the zillah judge, in which case it shall be imposed by his immediate authority*]:

LI. *First.* A pleader, when his vakalutnama has been filed, shall be held to represent his client in all matters connected with the prosecution or defence of the suit or proceeding in court, and acts done by, and notices served upon the pleader, shall be equally valid as if done by or served upon the party, unless they be to procure the personal attendance of the said party, or fulfilment of a decree: — The pleader represents his client in all matters of the suit:

Second. It shall be incumbent on a pleader, at the time of receiving any accounts, writings, or documents from his client, to give a written receipt for them, and to restore them when required, under penalty of a fine not exceeding Rs. 100, to be levied under the rules contained in the last clause of the preceding section; or, if the circumstances be of an aggravated nature, of suspension or dismission, according to Section LVI. of this Regulation: — Must pass receipts to his client for papers, which he must return when required: Penalty in case of misconduct.

LII. *First.** Each pleader employed in prosecuting or defending an original suit shall be entitled to a per-centage on the amount sued for, according to the rates specified in Appendix (L), as a remuneration for his trouble in acting in behalf of his client, until the decree in the suit is passed, and thereafter until such decree is fulfilled: — Established fees of pleaders in original suits,

Second. The remuneration to a pleader employed in prosecuting or defending an appeal regular or special shall be the same as is above prescribed in the case of an original suit: — and in appeals,

Third. The above rules shall not prevent an express agreement being entered into between pleader and client, for either a larger or smaller sum than the established fee: — unless otherwise settled by private agreement.

Fourth. But, if a larger sum than was agreed for between a pleader and client is awarded in costs against the other party, the pleader, not- — But if more is decreed by way of reimbursement than was

* Modified by Secs. vi. and vii. Act I. 1846, which declares that this section shall be enforced only when costs are awarded.

agreed to be paid to the pleader, the pleader shall have the excess.

Pleader's fee how recovered.

withstanding his agreement with his own client, shall be entitled to the excess when recovered:

Fifth. The party retaining a pleader shall be responsible to him for his fee, which shall be recoverable from his client in preference to all other claims, as soon as a decree has been passed in the suit, whether an appeal has been entered or not, or if the pleader prefer, it shall be recovered with other costs in course of executing the decree; and a receipt-book shall be kept in each court for the signature of pleaders on receipt of their fees, in which shall be entered the amount received and number of the suit.

Superseded by Sec. viii. Act I. 1846.

and its receipt recorded.

When a demand is admitted, or withdrawn, half fees only shall be paid.

LIII. *First. If an acknowledgment of the demand is entered, or a suit or appeal withdrawn without being brought to trial, the pleader shall be entitled to only half the established fee:*

Superseded by Sec. vii. Act I. 1846.

Second. Either party may engage two or more pleaders to conduct his suit or defence, but the party found liable in costs will not be answerable for more than the established fee of one pleader on behalf of the other party:

More pleaders than one may be engaged, but without prejudice to the opposite party.

The client may cancel his vakalutnama, but a pleader cannot abandon his client without the client's consent, or the order of the court.

Third. It shall be competent to a party at any time to withdraw the authority vested in a pleader to act in his behalf, on giving the court notice in writing to that effect; but it shall not be competent to a pleader to withdraw from acting in behalf of his client without his consent or the special permission of the court:

A pleader relinquishing his cause by permission, how to be remunerated.

Fourth. In case of a pleader being removed from the conduct of a suit by virtue of the preceding clause, the court, if applied to, shall summarily determine whether any or what proportion of the fee is to be paid to him, and any amount so fixed shall be recoverable immediately by the process used for executing decrees.

Superseded by Secs. vii. and viii. Reg. I. 1846.

Pleader's unavoidable absence to be reported to the court, which will direct the requisite measures.

LIV. *First.* If a pleader is unable to attend the court in consequence of indisposition or other necessary cause, he shall notify the same to the court in writing, in which case proceeding in the suit shall be stayed for such time as the court deems reasonable, to enable the party to transfer by endorsement or otherwise his power of attorney (either temporarily or until the suit is determined) to another pleader; and any pleader absenting himself without written notice as above prescribed may be punished by fine, not exceeding Rs. 100, to be adjudged by the court in which the failure of duty occurred, and levied as the amount of a decree by the same, [*unless such court be subordinate to the zillah judge, when the fine shall be subject to the revision of the zillah judge, and shall be enforced only by his authority*:]

Punishing negligence.

Superseded by Secs. x. and xii. Act I. 1846.

In the event of the pleader's permanent absence or death, the court determines the amount of fees due to such pleader or his heirs.

Second. In case of the resignation, dismissal, or death of a pleader, proceedings in the suit shall in like manner be stayed, *and the court if applied to will determine the proportion of the fee, if any, to be paid to such pleader or his heirs, which shall be recoverable immediately by the process used for executing decrees.*

Superseded by Secs. vii. and viii. Act I. 1846.

LV. [Fees in extraordinary matters.] *Repealed by Sec. III. Act I. 1846.*

Pleaders how liable to suspension or dis-

LVI. A pleader accused of a criminal offence, or guilty of misbehaviour or neglect of duty, shall be liable to be suspended or dismissed under the

rules regarding commissioners, contained in the Third Clause of Section XXXVIII. of this Regulation; but nothing herein contained shall prevent a party from instituting an action for damages against his pleader, when he may consider himself injured by his acts or omissions.

mission, without prejudice to private actions against them for damages.

APPENDIX (A).

(See Sections IV. XIX. XX. Clause Second, and XXVIII. Clause First.)

Appendix (A).

See Act XXI. 1837.

Form of oath to be taken by a judge of the Sudder Dewanny Adawlut, and a judge and assistant judge of a Zillah Court.

I, A. B., appointed (chief, second, third, &c., judge of the Sudder Dewanny Adawlut, judge, senior, first, &c., senior, junior, first, &c., junior assistant judge of the zillah of ——, as the case may be), do solemnly swear that I will perform the duties of my office, and administer justice with impartiality and integrity, and conformably to the law: (* that I will to the best of my ability preserve the public peace:) that I will not receive, directly or indirectly, any present whatever on account of any suit or matter to be instituted, or which may be depending, or may have been determined in this or any other court, nor will I knowingly permit any person under my authority or in my service, to do so: that I will not be concerned, directly or indirectly, in any commercial transaction whatever, nor derive any emolument or advantage from my station, excepting such as the orders of Government do or may authorize me to receive.

So help me God.

Date. Signature.

* To be omitted in the oath taken by a judge of the Sudder Adawlut.

APPENDIX (B).

(See Section XI. Clause First.)

See Act XXI. 1837.

Form of oath to be taken by the register and assistant register to the Sudder Dewanny Adawlut.

Appendix (B).

I, A. B., appointed register (or assistant register) of the Sudder Dewanny Adawlut, do solemnly swear that I will truly and faithfully perform the duties of my office according to the best of my knowledge and ability: that I will not receive, directly or indirectly, any present whatever on account of any suit or matter to be instituted, or which may be depending, or may have been determined in this or any other court, nor knowingly permit any person under my authority or in my service, to do so: that I will not be concerned, directly or indirectly, in any commercial transaction whatever, nor derive any emolument or advantage from my station, excepting such as the orders of Government do or may authorize me to receive.

So help my God.

Date. Signature.

APPENDIX (C).

(See Sections XII. Clause Fourth; XIII. Clause Second; XIV. Clause Third; XXIX. Clause Second; XXXI. Clause Second; and XXXII. Clause Second.)

Appendix (C).

Form of solemn declaration to be taken by a law-officer, nazir, serishtadar, assistant serishtadar, and record-keeper.

I, A. B., appointed —— in the court of ——, do solemnly declare, that I will truly and faithfully perform the duties of my office according to the best of my knowledge and ability: that I will not accept, directly or indirectly, or knowingly permit any other person to receive for me, any present in money or effects of any kind, or the promise of any such, on account of any suit or matter to be instituted, or which may be depending, or may have been deter-

Appendix (C), *continued.*

mined in this or any other court; and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize me to receive.

So help me God.

Date. Signature.

APPENDIX (D).

Appendix (D).

(See Section XIV. Clause Second.)

Form of bond to be entered into by the nazir's securities.

Whereas —— has been appointed nazir to the court of ——, and whereas, before exercising the duties of the said office, it is necessary that he should find sufficient security for the faithful discharge of the same: therefore, we —— and —— do hereby bind ourselves, our heirs and executors, to the sirkar in the sum of rupees —— each, that he, the said ——, shall well and diligently discharge all the duties of the nazir of the court, and that he shall faithfully account for all property, moveable or immoveable, that may come into his possession or custody in that capacity; and in case of his failure in any of these respects, we do hereby bind ourselves jointly and severally, but each to the amount aforesaid only, to make good to the parties interested, or to the sirkar on their account, all loss or damage sustained by the suitors or others in consequence of the act, misconduct, or neglect of the said ——, or of any deputies, or others of his officers, acting under his authority, as the same may be ascertained and awarded by order of the said court. As witness our hands at ——, this —— day of ——, 18—.

Witnesses. (Signed) A. B.
E. F. C. D.
G. H.

APPENDIX (E.)

Appendix (E).

(See Section XVI. Clause Second.)

List and Territorial Description of the Zillahs established under the Presidency of Bombay.

Additional zillahs were established by Regs. XXIX. 1827, and VII. 1830.

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
	SURAT ZILLAH.	
Sects. I. and II. Regulation I. of 1800.	The city and port of Surat, and town of Randier, and their dependencies.	13th May, 1800.
Sect. II. Reg. I. of 1802.	The pergunnah of Chourasee - -	7th Jan. 1802.
	The pergunnah of Chiklee - -	14th June, 1802.
Cessions by the Paishwa, under the treaty of Bassein.—Reg. II. of 1805.	The eight (8) pergunnahs of Bulsar, Parneira, Bhootsur, Parchol, Soopa, Surbhan, Walor, and Bohareee. The kusba of Bardolee. The three (3) villages of Kuttergaum, Koomarea, and Phoolpara.	31st Dec. 1802.
Section II. Reg. I. of 1817.	The pergunnah of Currode - -	5th June, 1816.
Order of Council, dated 17th Nov. 1817.	The pergunnah of Bhugwara - -	6th June, 1817.
Sects. VI. VII. and XI. Regulation III. of 1819.	The pergunnah of Turkeysir - -	28th Nov. 1817.
	The kusba of Mota - - -	
	The village of Mugnula, with some adjoining lands of the village of Peeplod	
	The pergunnah of Oolpar.	

Appendix (E), *continued.*

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.	
	BROACH ZILLAH.		The zillah of Broach was abolished by Reg. XXVII. 1827, and its territories distributed between zillas Surat and Kaira.
Cessions by the Paishwa, under the treaty of Basseen.—Reg. II. of 1805.	The pergunnahs of Hansot and Oklasur.	31st Dec. 1802.	
Sects. I. and II. Reg. II. 1805, and Sect. II. Reg. III. of 1814.	The town and pergunnah of Broach -	29th Aug. 1803.	
Sects. II. Reg. VI. of 1807, and Sect. II. Reg. III. of 1819.	The three (3) pergunnahs of Jumbooseer, Ahmod, and Dejbara.	5th June, 1817.	
	EASTERN ZILLAH, NORTH OF THE MYHEE (KAIRA).		
Cession by the Paishwa, under the treaty of Basseen.—Reg. II. of 1805.	The tuppa of Naupar - - -	31st Dec. 1802.	
Cessions by the Guikawar.—Reg. II. of 1805, and Reg. III. of 1819.	The enam town of Kaira, and its dependencies. The three (3) pergunnahs of Neriad, Mahtur, and Moondha. Sixteen villages of Dholka, east of the Saburmutty river.	5th June, 1803.	
Sect. II. Reg. I. of 1817.	The pergunnah of Kupurwunj - - The tuppa of Bahlej. The four (4) villages of Sundana, Antrolee, Wasna, and Kurnej.	15th June, 1816.	
Sect. III. Reg. III. of 1819, and Sect. II. Reg. IV. of 1820.	The five (5) pergunnahs of Mahmoodabad, Antrolee, Alena (except the two villages of Nikol and Sanoda), Tasra, and Duskuroee, to the east of the Kharee river. The paishwa's share of the Pitlaud pergunnah. The town of Oomrut.	6th June, 1817.	
	WESTERN ZILLAH, NORTH OF THE MYHEE (AHMEDABAD).		
Cession by the Paishwa, under the treaty of Basseen.—Sects. I. and V. Reg. II. of 1805, & Sect. III. Reg. III. of 1819.	The three (3) pergunnahs of Dundooka, Ranpoor, and Gogo.	30th Dec. 1802.	
Cession by the Guikawar.—Sect. I. and V. Reg. II. of 1805, and Sect. III. Reg. III. of 1819.	The pergunnah of Dholka, except sixteen (16) villages which are east of the Saburmutty river.	5th June, 1803.	
Sect. II. Reg. VII. of 1819.	The city of Ahmedabad - - - The Duskuroee pergunnah, to the west of the Kharee river. The pergunnah of Veerumgaum. The two (2) villages of Nikol and Sanoda, in the Alena pergunnah. The pergunnah of Purantej. The Paishwa's share of the districts of Byar, Hursol, and Morassa.	6th June, 1817.	

Appendix (E). *continued.*

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
	ZILLAH OF THE NORTHERN KONKAN.	
Sects. I. and II. Reg. III. of 1799, and Sect. II. Reg. III. of 1814.	The Islands of Salsette and Caranjah and their dependencies.	1st Dec. 1774.
Sect. II. Reg. VI. of 1817.	The districts of Bellapoor, Autgaum and Kalian, and all the other territories of the Paishwa Bajee Row, extending north of those districts as far as the Damaun river, and lying between the Ghauts and the sea.	5th June, 1817.
Sects. IX. and XI. Reg. III. of 1819.	The territories of the Paishwa Bajee Row, extending south of the districts of Bellapoor, Autgaum, and Kalian, as far as the Apta river, and lying between the Ghauts and the sea, with the exception of the town of Apta and the villages of Korulwaree and Sendapoor, in the Kurnala talooka.	2nd Sept. 1818.
Treaty with the Colaba state.	So much of the Voorwulect turuf, north of the Apta, as belonged to the state of Colaba, with the exception of the following ten (10) villages, and twenty-five (25) Khars: *Villages.*—Woolvie, Turghur, Dapolee, Kopur, Pohee, Parengur, Koondeywal, Maor, Awrey, and Gowan. *Khars.*—Nandsee Neemba, Khar Wasunee, Hurrichundur Peemplee, Kaljee Gobur, Boorey-boozoorg, Band Khar, Khat Khar, Waltee, Mhalaee, Sonkhar, Bhangaroc-boozoorg, Rel Khar, Pond Khar, Shemptee, Waltee, Danwacha-kota, Chiklee-bhom, Motee Khar, Ranjun Khar, Hurischundur-kota, Gowendee, Boree-khoord, Boree-cha-kota, Kopur, and Potacha-moonh. So much of the Toongartun Muhal, north of the Apta, as belonged to the state of Colaba, with the exception of the village of Wat. The four (4) villages, Tulowrey, Chandajee, Goorvey, and Nurol, in the Vuredy turuf. The two (2) villages Dewroog and Khurwar-boozoorg, in the Soonalee turuf. The village Amburjey, in the Sherey turuf. The village Ambolee, in the Burey turuf. The three (3) villages Nitaley, Nourey, and Khyruney, in the Tulozeh turuf. The three (3) villages Kampoolee, Dewkur, and Bhanwuj, in the Bortee turuf.	6th June, 1824.

Appendix (E), *continued.*

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
	ZILLAH OF THE SOUTHERN KONKAN.	
Sec. I. Reg. I. of 1811 -	Fort Victoria, and its nine (9) dependent villages.	12th Oct. 1756.
Sec. I. Reg. XI. 1814 -	The Fort and Island of Sindoodroog, in Malwan, and the Forts of Puddunghur, Rajkot, and Serjeekot, with the villages and lands dependent on the said forts.	1st Oct. 1812.
Treaty with the Waree state.	The Fort of Vingorla with six hundred (600) yards around.	3rd Oct. 1812.*
Cessions by the Waree state.	The rest of the valley of Vingorla -	5th May, 1813.
	So much of Wurar and Muloonde as belonged at the time to the state of Waree.	29th Jan. 1814.
Secs. IX. and XI. Reg. III. of 1819.	The territories of the Paishwa Bajee Row, bounded on the north by the Apta river, and on the south by the Karlee or Malwan river, and lying between the Ghauts and the sea, with the four (4) following exceptions :— 1st. The Oonderee talooks, except the village of Khar Dolvie, which village belongs to the zillah. 2nd. The three (3) following villages in Chawool; viz., Waolee, Karley, and Komprolee. 3rd. The five (5) following Warees in Chawool and Thul; viz., Pakaree Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Vessajee Keshow, and Wursolee. 4th. The oarts belonging to and situated without the walls of the fort of Rewdunda.	2nd Sept. 1818.
Reg. III. of 1820.	The nine (9) following sea-coast villages in the turufs of Ajgaum and Paut, viz. :— OF AJGAUM : Raree, Arowlee, and Seerodee. OF PAUT : Dabolee, Kanolee, Keyloos, Mahapun with the adjoining fort of Newtee, Konchuree, and Purolen.	17th Feb. 1819.
Treaty with the Colaba state.	So much of the Toongartun turuf situated south of the Apta river, as belonged to the state of Colaba, with the exception of the village of Khuraree-boozoorg. The two (2) villages, Wureree and Shetolee, and the four (4) Khars, Sonkhar, Dhadur Khar, Khar Dubaba, and Dolvie Khar, in the Humrapoor turuf.	6th June, 1824.
	THE PRESIDENCY.	
Royal grant. See also Sec. II. Reg. III. of 1799, Reg. III. 1815, and Regs. III. IV. and VII. of 1817.	The revenue jurisdiction of the island of Bombay and its adjacent dependencies, administered at present by the revenue judge and the Court of Petty Sessions.	A. D. 1668.

APPENDIX (F).

Appendix (F).

(See Section XXI. Clause Second.)

** Extract from the Treaty between the British Government and the Nuwaub of Surat, dated the 13th May, 1800.*

Art 7th.—In complaints brought before the Court of Justice, in which it shall appear, either by the application of the nabob, or the representation of the defendant, at or before the time of giving in his or her answer, or by the petition of the complainant, that both parties are relations or servants of the nabob, such parties shall, in the first instance, be referred for justice to the nabob, or to any person he may appoint to dispense it; any complaint against the relations or immediate servants of the nabob, by persons of a different description, shall, in the first instance, be made to the chief civil servant at Surat, who shall refer it to the nabob, who has engaged to order an immediate investigation to be made, or in case the parties should desire it, to order the dispute to be referred to a proper arbitration, the nabob engaging to bring it to a direct issue, or to carry the sentence or award, if unfavourable to his relation or servant, into immediate execution.

APPENDIX (G).

Appendix (G).

(See Section XXXII. Clause Fifth.)

Form of Day-Book for Civil Records kept in a Zillah Court.

Date of delivery of Record.	Number of Suit.	Date when filed.	Names of the Parties.	By whom tried.	Date of Decree.	Number of Papers received.
1821.						
5th April	753 of 1821	2nd February, 1821	A. *versus* B.	*Commissioner* of ——	20th March, 1821	No. 1 to 24 inclusive, as per list in decree.
6th April	613 of 1821	3rd March, 1821	C. *versus* D.	Judge	29th March, 1821	No. 1 to 37 inclusive, as per separate list.

APPENDIX (H).

Appendix (H).

(See Section XXXVIII. Clause First.)

Form of commission to be granted to a *commissioner* for deciding suits.

Seal of the Sudder Dewanny Adawlut.

The judges of the Sudder Dewanny Adawlut, by virtue of the powers vested in them by Regulation II. A.D. 1827, do hereby appoint you —— *commissioner* in the —— of ——, with the powers of delegate for receiving, trying, and deciding, without any orders from the court, such suits between persons—not being [*Europeans or Americans, or in which*] your own relations, servants, or dependants are parties—as may be preferred to you, either for immoveable or moveable property, *and with the powers of referee, for trying and deciding such suits as the judge may refer to you*, when the amount or value of the claim shall not exceed Rs. ——. See Reg. XVIII. 1831. Superseded by Act XI. 1836.

And with powers to act as sole arbitrator, without any previous application to the court, in

---

* Ceased to have effect after the death of the Nuwab. See Act XVIII. 1848.

disputes in civil matters submitted to you, in conformity with the rules for arbitrations contained in Regulation VII. A.D. 1827. Appendix (H), *continued.*

You are to hold your court at ——, and to hear and decide such suits or disputes as may be brought before you, and to exercise the authority vested in you according to such Regulations as have been or may be published by the Governor in Council.

By order of the Sudder Dewanny Adawlut,

Date. (Signed) By the register.

APPENDIX (I).

(See Section XL.) Appendix (I).

Form of solemn declaration to be taken by a *commissioner.*

I, A. B., appointed *commissioner* for trying and determining civil suits, solemnly declare that I will impartially determine the suits that may come before me according to the best of my abilities and judgment, and that I will not, directly or indirectly, receive, or knowingly permit any other person to receive for me, any money, effects, or property, or the promise of any such, on account of any suit that may come before me, excepting such as the Regulations of Government do or may authorize me to receive, and that I will in all respects truly and faithfully execute the trust reposed in me.

Date. (Signed) By the *commissioner.*

APPENDIX (J).

(See Section XLVIII. Clause Third.) Appendix (J).

Superseded by Sec. iv. Act I. 1846.

Form of sunud granted to a pleader.

Seal of the Sudder Dewanny Adawlut.

To A. B., inhabitant of ——.

In conformity with the provisions of Regulation II. A.D. 1827, *you A.B. are hereby appointed to the office of pleader in the court of* ——; *you will not be liable to be removed from your situation during your good behaviour, while you discharge your duty with zeal and integrity under the rules contained in the Regulations which now are or hereafter may be in force.*

By order of the Sudder Dewanny Adawlut.
(Signed) By the register.

APPENDIX (K).

(See Section L. Clause First.) Appendix (K).

Form of power of attorney to enable a pleader to act in a suit.

In the court of ————.
Suit for Rs.————.
———— plaintiff,
against
———— defendant.

I ——, plaintiff (*or* defendant, *as the case may be*), do hereby authorize —— to appear and act as pleader for me in the above suit.

Witness my hand, this —— day of ——, 18—.

(Signed) *or* (the mark of)
The plaintiff
or
defendant.

APPENDIX (L).

Appendix (L).

(See Section LII. Clause First.)

Statement, showing the Fees to which pleaders are entitled for acting throughout ordinary suits, when there is no specific agreement.

See Secs. vi. and vii. Act I. 1846.

The pleader's fee is	In suits for not more than Rs. 2,000 - - - - - - - - -	3 per cent.
	In suits for from Rs. 2,000 to 10,000 inclusive, on Rs. 2,000, as above, and on the remainder - - - - - - - - - -	2 per cent.
	It suits for from Rs. 10,000 to 20,000 inclusive, on Rs. 10,000, as above, and on the remainder - - - - - - - - - -	1 per cent.
	In suits for more than Rs. 20,000, on that sum as above, and on the remainder - - - - - - - - - - - -	½ per cent.

(BRANCH OF CIVIL JUDICATURE.)

A.D. 1827. REGULATION III.

CONSISTING OF FOUR (4) CHAPTERS AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of the sittings of Courts of Civil Justice, and the mode of communicating with them	I.
II.	Of the Minutes of Proceedings	IV.
III.	Of the sealing, signing, and language of process	IX.
IV.	Of granting copies of papers	XII.
	SUPPLEMENT, Regulation VI., 1834.	

A REGULATION *containing Provisions as to the official Proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the Minutes of their Proceedings, the sealing, signing, and Language of Process, and the grant of Copies of Papers on their Records:* PASSED *by the Governor in Council, on the* 1*st January*, 1827.

Preamble.

WHEREAS it is essential to the due and convenient administration of civil justice, that provision should be made for the sittings of courts, and for certain other matters connected with their official proceedings in general, the following rules are therefore enacted to take effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

OF THE SITTINGS OF COURTS OF CIVIL JUSTICE AND THE MODE OF COMMUNICATING WITH THEM.

Courts to sit from day to day, unless otherwise notified.

I. *First.* All courts of civil justice shall sit from day to day for the trial of causes and despatch of business, unless notice of further adjournment has been given.

Exceptions enacted,

Second. But every court in which an European authority presides, or which may sit at the Sudder station, shall be closed on Sunday, and on the days specified in Appendix (A), and shall not transact business, except in cases of urgency, which will not admit of delay.

See Sec. 1. Reg. VI. 1834.

and authorized.

Third. All courts of civil justice are further authorized, provided however that the direction of the zillah judge shall regulate the practice of all subordinate courts, to adjourn over the holidays specified in Appendix (B), and such local holidays as may be authorized by the judge in each zillah, with the sanction of the Sudder Adawlut, a list of which shall be kept constantly fixed up in a conspicuous part of the court-room.

All matters in suits to be conducted in open court.

II. *First.* No judge of any of the courts shall hold communication regarding a suit or trial depending before him, or coming within his cognizance, or regarding any matter connected therewith, otherwise than in open court.

Exceptions in cases of emergency.

Second. But on occasions of sudden emergency, such as the fraudulent withdrawing of persons or removal of property from the jurisdiction, wherein the ends of justice are likely to be defeated by the delay, the judge, though not in court, may receive applications in writing and issue orders thereon, his proceedings being duly recorded at the next sitting of court.

Pleadings, applications, &c., to be presented by the parties,

or their recognized agents or pleaders.

The representatives of minors and insane persons being principals.

III. *First.* All pleadings and applications in any suit or civil proceeding shall, unless when the contrary is expressly enacted, be in writing, and shall be presented either by the party interested or his recognized agent, or by a pleader appointed by either of them in conformity with the rules contained in Regulation II. A.D. 1827, Section LI.; but it is hereby explained that persons acting in behalf of parties who are under age, or insane, are to be considered as principals.

Recognized agent of a non-resident constituted by general vakalutnama,

or by trading in such non-resident's name, in regard to such trade.

Second. 1. The recognized agents of parties from whom such pleadings and applications may be received are, first, persons holding general powers of attorney from parties not within the jurisdiction.

2. Persons carrying on trade in the name of parties not within the jurisdiction, such as monims, gomashtehs, &c., but in matters connected with such trade only.

Head gomashtehs are agents for their employers in matters of trade on filing a special vakalutnama;

also authorized agents of Government for the special purpose.

3. The head or managing gomashtehs of traders within the jurisdiction, but in matters connected with such trade only, and on filing a power of attorney for the particular occasion.

4. Persons being ex officio, or otherwise, authorized to act for Government in the matter to which the suit or proceeding relates.

In which way princes and chieftains may be represented.

5. Whenever any sovereign prince or an independent chieftain, whether residing within the British territories or elsewhere, may have occasion to prosecute or defend a suit in any court of civil judicature, but is unwilling

to appear as plaintiff or defendant in such suit, it shall be competent to the Governor in Council to prosecute or defend it in his behalf through the medium of any person specially appointed for the purpose by the authority of an order of Government.

When applications are forwarded by a *commissioner*, the party need not attend in court personally or by vakeel, except in particular cases.

Third. When [*plaints or*] arbitration papers are received by a *commissioner* for transmission to the judge, as authorized by [*Regulation IV. A.D.* 1827, *Section II. Clause Second, and*] Regulation VII. A.D. 1827, Section VIII. Clause Third, the attendance either of parties or pleaders before the judge may be dispensed with, unless for good cause the judge shall otherwise direct.

Superseded, see note at Sec. ii. Reg. IV. 1827.

CHAPTER II.

OF THE MINUTES OF PROCEEDINGS.

All courts to keep minutes;

IV. All courts of civil judicature shall keep minutes of their proceedings, in which the proceedings of each day shall be entered.

the Sudder Dewanny Adawlut in English, and other courts in the language of the country.

V. The minutes of the proceedings of the Sudder Dewanny Adawlut shall be in English, and those of all other courts of civil justice in the language respectively of the country in which each court sits.

What officer to be employed in keeping the minutes of the several courts.

VI. The minutes of the proceedings of the Sudder Dewanny Adawlut shall be kept by the register or assistant register, those of the courts of the zillah judge, senior assistant judge, and junior assistant judge, by the serishtadar of each court respectively, and those of the *commissioners'* courts, by the *commissioner*, or such other person as he may employ.

Suits, how referred to and recorded;

VII. Each suit shall be referred to in the minutes of proceedings by its particular number on the file, and all pleadings or other written documents shall be numbered as they occur in the suit or other proceedings; those presented to the court being preserved at length on the record, and referred to by numbers in the minutes; and those issuing from the court, if not preserved at length as above specified, being entered at length on the minutes, which shall further contain a full exposition of the grounds of the decree.

and the minute books how arranged and authenticated.

VIII. Each page of the minute-book shall be numbered in regular order, and the proceedings of each day shall be subscribed in the Sudder Dewanny Adawlut by the register or his assistant, and in every other court by the judge of the court.

CHAPTER III.

OF THE SEALING, SIGNING, AND LANGUAGE OF PROCESS.

Signing and sealing of judicial process, how regulated when issuing from the Sudder Dewanny Adawlut:

IX. *First.* All ordinary process of the Sudder Dewanny Adawlut, such as summonses, notices, orders, proclamations, &c., shall issue under the seal of the court, and the signature either of the judge or judges of the court, or of the register or assistant register; but all decrees, commissions,

or other writings of an extraordinary nature issuing from the Sudder Dewanny Adawlut, shall bear the seal of the court, and shall be signed by the judge or judges; and all processes whatever issuing from the court of the zillah judge shall bear the seal of the court, and the signature of the judge, or in his absence, of one of his assistants. the Zillah Court:

Second. All process, orders, and decrees of the court of an assistant judge shall bear the seal of the Zillah Court, and the signature of the assistant judge. the assistant judge's court,

Third. All process, orders, and decrees of the court of a *commissioner* shall bear his seal and signature. or that of the *commissioners*.

See Act XII. 1843. X. *First.* All process, orders, sentences, and decrees of any zillah or inferior court, shall be in the language and character used in the court: Language to be used in the process of the zillah & inferior courts,

Second. But the ordinary process of the Sudder Dewanny Adawlut shall be in the language and character used in the suit or proceeding to which such process relates. and of the Sudder Dewanny Adawlut on ordinary,

See Act XII. 1843. XI. The provisions contained in the preceding section shall not apply to orders, precepts, warrants, or other process addressed by the Sudder Dewanny Adawlut to a zillah judge, which shall be in English; nor to decrees of that court, which shall also be in English, but shall have annexed to them a translation into the language used in the suit. and special occasions.

See Act XXIII. 1840.

CHAPTER IV.

OF GRANTING COPIES OF PAPERS.

XII. *First.* Either party shall be entitled, on verbal application, to an authenticated copy of the decree; and on application in writing, to an authenticated copy of any pleading, summons, order of court, return, deposition, exhibit, and generally (with the exception of the court's minute-book) of every document produced and used in a suit, or other proceeding of a civil nature. Authenticated copies of decrees to be obtained by parties on verbal, and of all other papers on written application,

Second. But where an exhibit, produced by one party, contains matter not relating to the suit, the other party shall be entitled only to extracts of such parts thereof as do relate to the suit. so far as they relate to the suit.

Third. The stamped paper required for the copy shall be furnished by the applicant at the time of application, and a receipt for the same, stating the period when the paper was furnished, shall be given by the proper officer; the copy shall be prepared by the officers of the court, and shall be authenticated either by the judge or by some covenanted servant being an officer of the court; but in the court of a *commissioner*, the copy shall be authenticated by the *commissioner*. The stamped paper to be furnished by the applicant, a receipt being passed; and the copy to be duly authenticated,

Fourth. Authenticated copies of papers shall always be furnished within ten days after application, unless further delay is unavoidable, in which case the cause thereof shall be stated on the minutes of proceedings: and delivered within ten days, or the delay explained.

Fifth. Parties shall be permitted, on application to the court, to make copies of papers for their own use, and at their own expense; but the original papers shall not be removed from the office of the record-keeper for the purpose, nor shall such copies be authenticated by any public officer. Parties may make copies of papers, but without removing the originals; and they shall not be authenticated.

Persons in general how enabled to procure copies of papers in courts.

XIII. Any person (not being a party) who is desirous of obtaining a copy of a paper in any suit, either pending or decided, shall make application to the Sudder Dewanny Adawlut, if the paper required is in that court; and in all other cases, to the zillah judge, stating the object for which the copy is required; and the court shall either grant or refuse the application, as may seem just.

APPENDIX (A).

Appendix (A).

List of Days, besides Sundays, when Courts in which Europeans preside are closed.

1	New Year's day	1st January.
1	Good Friday.	
1	Nativity of Christ	25th December.
1	The King's birth-day.	

APPENDIX (B).

Appendix (B).

List of General Holidays in which all Courts of Civil Justice may be closed.

HINDOO HOLIDAYS.

1	Narulee Poornim	15th Shravan Sood.
1	Gunesh Chutoortee	4th Bhadrapood Sood.
1	Dussera	10th Ashwin Sood.
4	Dewallee	13th, 14th, and 15th of Ashwin Vud, and 1st Kartik Sood.
5	Hoolee	12th, 13th, 14th and 15th of Phalgoon Sood, and 1st of Phalgoon Vud.

MUSSULMAN HOLIDAYS.

1	Mohurrum	10th Mohurrum.
1	Conclusion of the Fast	1st Shuval.
1	Eed Koorban	10th of Zilheej.

(BRANCH OF CIVIL JUDICATURE.)

A.D. 1827. REGULATION IV.

CONSISTING OF TWENTY-THREE (23) CHAPTERS AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Preliminary explanations of the effect of certain terms when used in this Regulation	I.
II.	Of the mode of instituting suits	II.
III.	Of process for summoning and arresting defendants, and for sequestrating their property	V.
IV.	Of the continuation and completion of the pleadings	XII.
V.	Of withdrawing suits	XVIII.
VI.	Of fixing the time of trial, of defaults, of trial, and of the law to be followed	XIX.
VII.	Of exhibits	XXIX.
VIII.	Of commissions for ascertaining facts depending upon local circumstances	XXXI.
IX.	Of witnesses	XXXII.
X.	Of notice to be given to coheirs interested in suits which have been instituted without their participation	XLVI.
XI.	Of contempts	XLVIII.
XII.	Of costs	LVII.
XIII.	Of enforcing security-bonds taken in suits	LIX.
XIV.	Of the decree and its enforcement	LX.
XV.	Of the revision of original decrees	LXXI.
XVI.	Of the admission and rejection of appeals	LXXII.
XVII.	Of staying and executing decrees under appeal	LXXXI.
XVIII.	Of procedure and trial in appeal	LXXXIII.
XIX.	Of the decree in appeal	XCIV.
XX.	Of the revision of decrees passed in appeal	XCVI.
XXI.	Of applications to the Sudder Dewanny Adawlut in incidental complaints	XCVII.
XXII.	Of special appeals	XCIX.
XXIII.	Of appeals to the King in Council	C.

SUPPLEMENTS.

I. Regulation II. 1830. [Rescinded by Regulation VII. 1831.]
II. ——— XII. 1830.
III. ——— VII. 1831.

A REGULATION *prescribing the Forms of Proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the Trial of the same:* PASSED *by the Governor in Council, on the* 1st *January,* 1827.

Preamble.

WHEREAS it is essential to the regular and effectual administration of justice, that certain forms of proceeding should be observed in the courts of law, in receiving, trying, and deciding civil suits and appeals, and in enforcing execution of the decrees that may be passed therein, the following rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

PRELIMINARY EXPLANATIONS OF THE EFFECT OF CERTAIN TERMS WHEN USED IN THIS REGULATION.

The terms "the judge" and "the court," in this Regulation, how used.

I. *First.* Whenever in this Regulation the term "the judge" is used absolutely, it shall be understood as applying to the zillah judge only; and whenever the term "the court" is used, it shall be understood as applying indifferently to the court of the judge, and to any other subordinate court.

The functions of particular officers of courts, how performed in courts not provided with those officers.

Second. And whenever in provisions applicable to all courts for the trial of original suits, the functions of officers who are not attached to any court subordinate to that of the zillah are prescribed, it is to be understood, in the absence of any specific enactment, that in the court of the *district commissioner*, where the attendance of these officers cannot be had, the form or duty prescribed is, according to the nature of the case and the general instructions of the zillah judge, either to be dispensed with or to be executed by the *commissioner*, or some trustworthy person under his orders, or that, with the view of obtaining the services of the proper officer, a reference is to be made to the zillah judge, by whom the requisite measures will be directed.

CHAPTER II.

OF THE MODE OF INSTITUTING SUITS.

Plaints to be presented at the Sudder station to the judge, and elsewhere to the *commissioner*.

II.* *First.* All persons claiming redress by civil action shall institute a suit by means of a plaint in writing, which shall be presented either at the Sudder station, in the court of the zillah judge, or elsewhere in the court of a *district commissioner*.

Plaints presented to a *commissioner* when forwarded to the judge;

and when filed and tried by the *commissioner*.

Second. If the plaint presented to a *district commissioner* be beyond his jurisdiction, he shall, after noting on the back of it the period of its presentation, forward it forthwith to the zillah judge. If it be within his jurisdiction, he shall place it on his file, and proceed to try the suit; unless the defendant at any time previously to delivering in his rejoinder, or in

* Such parts of this section as prescribe the places where plaints are to be presented, and the mode of their transmission to the proper court, are modified by Regs. I. 1830, and XVIII. 1831, which give all original jurisdiction to the native judicial authorities, and by Act IX. 1844, which enacts that all suits within the competency of a Principal Sudder Ameen, or Sudder Ameen, shall ordinarily be instituted in their own courts.

lieu thereof, should present a petition requiring it to be transferred to the zillah judge, in which case the *commissioner* shall immediately forward it, together with the defendant's petition, to the zillah judge. *or transferred to the judge.*

III. *First.* The plaint shall state precisely the matter of complaint: if it be founded on a demand for money, its amount; if for other property, its value in money; calculating the same, when it shall consist of a periodical income, at the rate of ten years' purchase; if for damages on account of an injury sustained, the amount in money of the compensation claimed for such injury: it shall also specify the name of the person complained against, and his place of residence, if known; the time when the cause of action arose, and other particulars necessary to elucidate the question at issue. Substance of the plaint: Modified as respects lands by Reg. XII. 1830.

Second. The plaint shall be signed by the plaintiff or by his recognized agent or authorized vakeel, and when a vakalutnama is requisite under the Regulations, it shall accompany the plaint. which must be signed by the plaintiff or his vakeel, a vakalutnama accompanying.

IV. *First.* The plaints shall be numbered and dated by endorsement in the order in which they are received; and such endorsement, if the plaint is filed at the Sudder station, shall be signed by the judge, or, under his direction, by one of the assistant judges; and if it is filed by a *district commissioner*, the endorsement shall be signed by the *commissioner* himself. Plaints, how numbered and dated,

Second. The plaint, after being so marked, shall be entered in a register, to be kept according to the form contained in Appendix (A). and registered,

Third. This register shall be kept at the Sudder station by the serishtadar, and at the court of a *district commissioner* by the *commissioner*. at the Sudder station and in the districts: Modified by Sec. v. Reg. I. 1830, Reg. XVIII. 1831, and Sec. iii. Act IX. 1844.

Fourth. The plaints transmitted by each *commissioner* shall, on the receipt of the requisite returns, which the *commissioner* may be ordered to furnish under Section XLIV. Regulation II. A.D. 1827, be brought upon the register at the Sudder station in the order, as far as may be practicable, in which they were presented to the *commissioner*, and shall be numbered anew, as their place in the register at the Sudder station may require. and when transmitted from the districts to the Sudder station.

Fifth. When any dispute arises regarding the priority of plaints, the question shall be decided according to the date of the original presentation, whether in the Zillah Court or in that of the *commissioner*. Priority to depend upon the period of original presentation.

CHAPTER III.

OF PROCESS FOR SUMMONING AND ARRESTING DEFENDANTS, AND FOR SEQUESTRATING THEIR PROPERTY.

V. *First.* When the plaint is filed, a summons shall issue, directed to the defendant, according to the form contained in Appendix (B), requiring the defendant, to appear and answer to the complaint within a specified period, to be in no case less than one day, nor more than twenty-five days from the date of the serving of the summons: the summons shall be served personally upon the defendant, if he can be found. Defendant, how called upon to answer.

Second. But if the suit be against a collector of the land revenue, or other officer in charge of the interests of Government in any department, or any assistant to such officer, the judge shall transmit a copy and English Special mode when the defendant is a public officer in charge of a department.

translation of the plaint to the Governor in Council for his consideration; and at the expiration of (90) ninety days from transmission, or at any earlier period when he may receive intimation from Government that it has decided not to grant to the plaintiff the redress sued for, the judge shall forward a copy of the plaint to the officer concerned, in a blank cover, bearing his address, and the delivery thereof shall be held to be of the same effect as the serving of a summons in other cases.

Serving of summonses on defendants how performed, and attendant expenses defrayed.

Third. Defendants shall be summoned in the same manner, and the attendant expenses shall be calculated and defrayed in the same manner, as is prescribed regarding witnesses in Section XXXII. Clause Third of this Regulation.

If the defendant cannot be found, public notice to be given,

VI. *First.* If the defendant, after diligent search, cannot be found, a return to that effect shall be made, on receipt of which an order shall be issued, according to the form contained in Appendix (C), directing a copy of the summons to be stuck up in some conspicuous part of the court; with a notice, according to the form contained in Appendix (D), requiring the defendant to appear.

and a copy of the summons delivered to his family, or fixed up at his place of residence.

Second. The court shall likewise order a copy of the summons and of the notice to be delivered to some person belonging to the defendant's family, and residing with him, or, if none such is found, to be fixed upon the outer door of the house, or in some conspicuous part of the village, or other place in which the defendant has generally resided: the attendant expenses being calculated and defrayed in the same manner as the expenses of serving summonses.

The defendant to be allowed at least fifteen days.

Third. The time assigned in the notice for the defendant to appear shall not be less than fifteen days from the date of such notice.

At the expiration of the period granted, the nazir to make his return.

Fourth. The nazir, on the expiration of the period, or the appearance of the defendant, shall return the order with an endorsement, stating at what time and places, and in what manner it was executed.

The plaintiff may make application, that the defendant's security for his appearance be taken.

VII. *First.* If a plaintiff (or his vakeel acting on his behalf) at any time before the passing of the decree has reason to believe that the defendant intends to leave the jurisdiction, so as to prevent the execution of the decree, he may present an application in writing to the court to demand security for the appearance of the defendant.

Application, how to be made.

Second. The application shall specify the applicant's belief that it is the defendant's intention to leave the jurisdiction, and the grounds of such belief.

Under certain circumstances, the court may take the defendant's security;

Third. The court may, at its discretion, cause the applicant to verify his application on *oath*, and if, after the investigation made, it shall be of opinion that the defendant actually intends leaving the jurisdiction, shall issue a warrant, according to the form contained in Appendix (E), to the nazir, enjoining him to bring the defendant before the court, unless he furnish security, according to the form contained in Appendix (F), to the extent specified in the said order, for his appearance to fulfil the decree in the suit, the security undertaking, in default of such appearance, to fulfil in his place whatever order or decree may be passed in the suit.

but shall accept an adequate deposit in lieu thereof.

Fourth. Should a defendant, when brought before the court, offer, in lieu of security for appearance, to deposit a sum of money or other valuable property evidently sufficient to answer the claim against him, with the costs

of the suit, it shall be competent to the court to accept such deposit, which shall be subject to the rules provided in Section VIII. Clauses Sixth, Seventh, and Eighth, on the subject of property sequestrated before judgment.

Fifth. The securities for the personal appearance of the defendant may, at any time, relieve themselves from their engagements as sureties, by delivering up the person of the defendant to the court, but they shall otherwise be held to be responsible for the appearance of the defendant until the decree has been fully executed.

Securities, if they do not deliver up the defendant, are answerable for his appearance, until the execution of the decree.

Sixth. In the event of the defendant neither furnishing security, nor offering a sufficient deposit, he shall be committed to custody until the decree shall have been passed; but in all such cases the suit, upon application of the defendant, may be heard, and determined, as soon after the pleadings are completed as circumstances will permit, without regard to the order in which it stands upon the file.

A defendant not furnishing security shall be imprisoned; the suit being heard as soon as possible.

Seventh. A *district commissioner* may detain at his kuchery a defendant, who has failed when called upon to furnish security; but if there should be any doubt of his safe custody, or if the defendant should himself desire his removal, he shall forward him to the Sudder station for detention: the suit shall at the same time be transmitted to the judge, and notice thereof shall be given to the plaintiff.

In the districts, he may be detained at the commissioner's kuchery, unless he is insecure there, or prefers being sent to the Sudder station.

Eighth. A defendant in custody at the instance of a plaintiff shall be subsisted in the same way, and under the same rules as a debtor on whom judgment has been passed, except that the amount of the subsistence money shall not be repaid to the plaintiff; and it is hereby explained, that the period of a defendant's imprisonment before judgment shall not be deducted from that to which he may become liable in execution of the decree.

Defendants in gaol to be subsisted by the plaintiff, who shall not recover their expenses.

The imprisonment also shall not operate in favour of the defendant.

VIII. *First.* If a plaintiff, or his authorized vakeel, at any time before the passing of the decree, has reason to believe that the defendant intends clandestinely to dispose of his property, or any part thereof, or to remove any such property from the jurisdiction, by which means the execution of the decree will be obstructed, he may make application that the defendant be called upon to furnish sufficient security to produce the said property, or a part thereof sufficient to fulfil the decree, when required, or otherwise that the court do hold it under sequestration until the decree has been passed and executed.

In certain cases the plaintiff may apply for the defendant's security to keep, at the disposal of the court, property for the satisfaction of the decree:

See Sec. v. Reg. I. 1830, and Act IX. 1844.

Second. The application may be made to the zillah judge in all cases, and to an assistant judge in case the suit is in his court for trial, but may not be preferred to a *commissioner*.

Application, to whom to be made:

Third. The application shall be on *oath*, and shall specify the amount or value sued for, the property required to be sequestered, the supposed value of each article thereof, and the applicant's belief that the defendant intends so to dispose of or remove it.

how to be made, and what to contain.

See Sec. v. Reg. I. 1830, and Act IX. 1844.

Fourth. If on investigation the judge or assistant judge, as the case may be, shall be fully satisfied that the defendant intends to dispose of or remove his property, so as to obstruct the execution of the decree, he shall, on the plaintiff in person, or by vakeel, passing a bond rendering himself liable in such sum as may be judged adequate for all unnecessary injury arising from the sequestration before judgment, in consequence of his demand being eventually disallowed either wholly or in part, issue to the

In certain cases the security may be demanded;

the plaintiff rendering himself liable for all needless hardships and expenses.

nazir or other person who may be charged with the duties an order, according to the form contained in Appendix (G), commanding him to require security from the defendant, according to the form contained in Appendix (H), in such sum as the order may specify, to produce and place at the court's disposal, when required, the said property, or a portion thereof sufficient to fulfil the decree.

If security demanded is not furnished, property to be attached and sequestrated.

Fifth. The order shall further command, that, if such security is not furnished forthwith, or within such time as the order may direct, the nazir shall attach and keep under sequestration until further order the property therein specified, or a part thereof sufficient to fulfil the decree.

Managers may be appointed for sequestrated property,

Sixth. Whenever property is taken possession of by the nazir under an order of court, by virtue of the provisions of the preceding clause, the judge, if he deems it conducive to the advantage of the persons who may eventually have an interest in the property, shall appoint a person to manage it until further order of court.

upon their furnishing security,

Seventh. But in such cases the manager so appointed shall give security in such sum as the judge may direct for the faithful discharge of his trust, and for delivering up the property when required by the court, with a full account of his receipts and disbursements, and with such profits as may have accrued during the period of his management.

and may eventually be duly remunerated.

Eighth. And at the expiration of his trust, the judge, if applied to, shall award such sum as he may deem a just remuneration for his trouble, but subject to modification by the Sudder Dewanny Adawlut on the complaint of any person interested.

Immoveable property may, instead of being seized, be declared inalienable by proclamation,

Ninth. It shall be in the option of the court, if such measure shall appear to be adequate to the ends of justice, to direct the nazir, in lieu of assuming possession of immoveable property, to give public notice by proclamation, according to the form contained in Appendix (I), prohibiting all persons from receiving, by purchase, gift, mortgage, or otherwise, such immoveable property to the injury of the plaintiff.

to be made in the most effectual way.

Tenth. The proclamation shall be read aloud in the most public part of the town or village within the limits of which the property is situated; and copies thereof shall be fixed up in a conspicuous part of the Zillah Court, in the collector's kuchery, in the public market of the town or village, and in such other places as the order may direct.

No subsequent transaction to affect the plaintiff's claim.

Eleventh. No purchase, gift, mortgage, or other transfer, made after such proclamation, shall be effectual to alienate the property, or any part thereof, to the injury of the plaintiff.

Sequestration may be removed when security is furnished,

IX. *First.* In all cases of sequestration before judgment, the authority who passed the order for the sequestration shall at any time remove the same, on the defendant's furnishing security as above required.

and the suit shall be heard and decided as soon as possible.

Second. And the suit, upon application of the defendant, may be heard and determined, after the pleadings are completed, as soon as circumstances will permit, without regard to the order in which it may stand upon the file.

Compensation may be decreed for needless sequestration.

X. If on the subsequent trial of the suit it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed either wholly or in part, the court shall (unless the defendant shall in preference seek redress by a civil action for damages)

award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury causelessly occasioned to him by the plaintiff; and further, where the sequestration shall appear to have been applied for wantonly or vexatiously, it shall be competent to the court to impose a fine on the plaintiff upon the principle of the rules contained in Sections LIII. and LIV. of this Regulation.

Sequestration no bar to the rights of persons not concerned, nor to the sale of property under a decree, unless other property is pointed out for sale.

XI. *First.* Sequestrations before judgment shall not injure the rights of persons not parties to the suit, nor bar a creditor having a decree against the defendant from attaching the property under sequestration.

Second. But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree, before selling the property under sequestration.

CHAPTER IV.

OF THE CONTINUATION AND COMPLETION OF THE PLEADINGS.

Defendant appearing may require the plaintiff's security, if the plaintiff does not reside within the zillah.

and defendant need not answer until such security is given.

XII. If the defendant appears and represents to the court that the plaintiff does not reside within the zillah, the court, on being satisfied of the fact, shall require the plaintiff to find security by the bond of some responsible person residing within the zillah, according to the form contained in Appendix (J), that he will pay all costs that may be awarded against him, and obey all orders of court that may be passed, both in the original trial of the suit; and on appeal, and until such security bond is filed, of which notice shall be given to the defendant, he shall not be bound to answer.

Defendant's answer, when to be filed and what to contain;

XIII. As soon as a defendant appears, he shall have access to the plaint, for the purpose of providing himself with a copy thereof, and of any papers by which it may be accompanied, and he shall file a written answer, containing the whole of the grounds of his defence, within eight days after he has been allowed access to the plaint; or, if the plaintiff has been called upon to furnish security under the provisions of the preceding section, within eight days after receiving notice from the court that the plaintiff's security bond has been filed.

to be shown to the plaintiff, and the suit set down for hearing, unless the plaintiff should wish to file a reply;

such reply, when to be made;

its substance.

XIV. *First.* When the answer is filed, the plaintiff shall have access to it, for the purpose of providing himself with a copy thereof, and of any papers by which it may be accompanied, and the suit shall then be considered as completed, and shall be set down for hearing, unless the plaintiff should verbally apply to the court for leave to file a reply, and such reply, if the court should allow it to be made, shall be filed by the plaintiff within three days after he has been allowed access to the answer.

Second. The reply shall simply acknowledge the truth of the answer, or deny either wholly or in part the assertions contained in it, offering such explanations as may be necessary; but the plaintiff shall not be permitted

to introduce in his reply any new matter that may not be required to explain facts stated for the first time in the defendant's answer.

Defendant's rejoinder, when to be filed;

XV. *First.* When the reply is filed, the defendant shall be allowed access to it, for the purpose of providing himself with a copy thereof, and of any papers by which it may be accompanied, and, if he have any rejoinder to make, he shall file the same in writing within three days after he has been allowed access to the reply.

its substance.

Second. The rejoinder shall be subject to the same rules as the reply, in regard to its contents, and, when it is filed, the plaintiff shall have access to it for the purpose of providing himself with a copy of it, and of any papers by which it may be accompanied.

Defendants in the same, suit may plead separately.

XVI. When there are two or more defendants in the same suit, they shall have the option of entering their pleadings separately.

Parties may decline to file pleadings,

XVII. *First.* Either party in a suit may waive his right of filing any of the pleadings mentioned in this chapter, without prejudice to the progress of the suit.

and the court, for good cause, may admit supplemental pleadings.

Second. And, if either of the parties shall have omitted to state in the regular pleadings any thing of material importance to his interest in the suit, it shall be competent to the court to admit of supplemental pleadings at its discretion, and to fix the respective periods for the filing of the same.

CHAPTER V.

OF WITHDRAWING SUITS.

The plaintiff may withdraw his suit, but he becomes liable for costs.

XVIII. *First.* It shall be competent to the plaintiff, at any stage of a suit, to withdraw the complaint by filing an acquittance in writing (razeenama); in which case he shall become liable for the costs of both parties.

The defendant may sue him for damages,

Second. Such acquittance shall not bar any action for damages competent to the defendant, nor prejudice his rights in any respect.

and the court may fine him if his suit was groundless or vexatious.

Third. Nor shall it bar the court from imposing a fine upon the plaintiff, in conformity with the rules contained in Sections LIII. and LIV. of this Regulation.

CHAPTER VI.

OF FIXING THE TIME OF TRIAL, OF DEFAULTS, OF TRIAL, AND OF THE LAW TO BE FOLLOWED.

A suit to be declared ready for hearing, if the defendant fails to appear at the time fixed,

XIX. *First.* The court shall cause a suit to be set down for hearing, if a defendant, who has been duly summoned, does not appear, either personally or by vakeel, at the time fixed.

or if the pleadings are completed, or not duly filed,

without good cause shown.

Second. Or if the pleadings are completed, or either party neglects to file any of his pleadings at the time fixed, and the court sees no good cause for granting a longer period; provided, however, that it shall be competent to the court to receive any pleading after the time fixed for its

being filed, even if the suit shall have been set down for hearing, upon sufficient cause being shown for the delay.

Order of trial.

XX. *First.* The suits set down for hearing shall be tried in the order in which they were filed, except when the court, on application from either party, or otherwise, may think proper, for special reason, to deviate from such order.

Eight days' notice to be given to the parties, unless they wish it otherwise.

Second. The time for the commencement of the trial of a suit shall be appointed by the court, and verbal intimation thereof shall be given to the party or parties in attendance, either personally or by vakeel; the time of trial shall not be less than eight days after such intimation, except with the express consent of both parties.

Lists of suits appointed for trial to be fixed up in the court.

Third. The serishtadar, or in the court of a *commissioner*, the *commissioner*, shall from time to time make lists of the suits for the trial of which a day has been appointed, which shall be fixed up in some conspicuous part of the court-room at least seven days before the trial of such suits.

If the plaintiff is absent, the suit may be struck off, and payment of the defendant's expenses ordered and enforced:

XXI. *First.* If at the time fixed for the commencement of the trial the plaintiff fails to appear, the court shall strike the suit off the file, and, on application to that effect by the defendant, shall pass an order rendering the plaintiff liable for the defendant's expenses in the suit, which order shall be enforced in the same manner as a decree.

See Sec. vii. Act I. 1846.

but a suit struck off may, under certain circumstances, be replaced:

Second. A suit struck off the file may be replaced, provided the plaintiff shall within ten days make a written application to that effect to the court by which it was to have been tried, and show just and reasonable cause, to the court's satisfaction, for the default which was made.

If the application to replace it be rejected, an appeal may be made against such order of rejection.

See Sec. iv. Act IX. 1844.

Third. If the application be rejected, a further application may be made to the court to which an appeal in the suit would be competent, and the order of such court shall be final; but such application, if to the zillah judge, shall be made within ten days, and if to the Sudder Dewanny Adawlut, within forty-five days, from the date of the rejection of the application by the lower court.

When a suit is struck off, a new action may be filed.

Fourth. When a suit is struck off the file, the plaintiff shall be at liberty to file a new suit upon the same grounds of action, and the date of the last proceeding, by which the order striking the former suit off the file was rendered final, shall be reckoned as the date on which the suit was struck off.

If the plaintiff only appears, the suit to be tried ex parte,

XXII. *First.* If at the time fixed for the commencement of the trial the plaintiff appears, and the defendant is absent, the court, unless it should see good cause for allowing of further delay, shall, after investigating the cause of the plaintiff, and examining his exhibits and witnesses, pass judgment according to the proof adduced by the plaintiff.

and the court may take the plaintiff's *oath*.

Second. In such cases it shall be competent to the court, if it sees cause, to receive the *oath* of the plaintiff, as evidence in support of the allegations contained in the plaint.

When both parties appear, the grounds of the suit to be clearly ascertained,

XXIII. *First.* When both parties appear at the time of trial, the court shall cause the pleadings to be read, and if the points at issue are not therein clearly described, or from any other cause further explanations

may be requisite, the court shall make such inquiries from the parties as may appear necessary, with a view to ascertain the precise object of the action, and the grounds on which it is maintained, and shall record the result on its proceedings.

and the evidence adduced received and weighed.

Second. The points to be established by the parties respectively having thus been defined and ascertained, the court shall proceed to receive and weigh the evidence adduced.

Courts in which Europeans preside may derive assistance from respectable natives by employing them as a punchaet,

XXIV. *First.* In the trial of suits, it shall be competent to every court in which an European authority presides to avail itself of the assistance of respectable natives in either of the three following ways: First, by referring the suit or any point or points in the same to a punchaet of such persons, who will carry on their inquiries apart from the court, and report to it the result: the reference to the punchaet and its answer shall be in writing, and shall be filed in the suit.

or as assessors,

Second. Or, Second, by constituting two or more such persons assessors or members of the court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses; the opinion of each assessor shall be given separately and discussed, and if any of the assessors or the authority presiding in the court shall desire it, the opinions of the assessors shall be recorded in writing in the suit.

or more nearly as a jury,

Third. Or, Third, by employing them more nearly as a jury: they will then attend during the trial of the suit; will suggest, as it proceeds, such points of inquiry as occur to them; the court, if no objection exists, using every endeavour to procure the required information, and after consultation, will deliver in their opinion.

but without controlling the court's decision.

Fourth. It is to be clearly understood that under all the modes of procedure described in the three preceding clauses, the decision is vested exclusively in the authority presiding in the court.

When a decree has been passed, there can be no further trial.

XXV. When judgment has been given in a suit, either for the plaintiff or the defendant, no new suit upon the same grounds of action shall be competent, and the suit shall be further heard only by way of appeal or review, under the rules prescribed by the Regulations.

The law to be followed by the courts to be Acts of Parliament, Regulations of Government, custom of the country, law of the defendant, and justice.

XXVI. The law to be observed in the trial of suits shall be Acts of Parliament and Regulations of Government applicable to the case; in the absence of such Acts and Regulations, the usage of the country in which the suit arose; if none such appears, the law of the defendant, and in the absence of specific law and usage, justice, equity, and good conscience alone.

Hindoo and Mahomedan law how ascertained;

XXVII. *First.* When in any matter depending on the peculiarities of Hindoo or Mahomedan law a doubt arises regarding such law, the court in aid of its judgment shall consult the officer or officers appointed to expound those laws respectively, in the manner prescribed in Regulation II. A.D. 1827, Section XIII. Clause Third.

other laws how ascertained.

Second.—When in any matter depending on the peculiarities of any other law, or of a rule or usage of a sect or caste, a doubt arises regarding such law, rule, or usage, the court shall ascertain the same by examining persons versed in such law, or the heads of such sect or caste, or other well-informed persons.

XXVIII. *First.* If one of the parties should refer the truth of the whole matter in dispute, or of any item in the same, or of any material fact, to the *oath* of the other party, the judgment of the court shall be governed by the *oath* of such party, if he consent to take the *oath*, whether admitting or denying the matter so referred to him.

At the request of the opponent, the court may take the *oath of* either party; and such *oath* shall be conclusive;

Second. If each party refer the same matter to the *oath* of the other, the court shall decide to which of them the *oath* is to be first tendered.

the court deciding, in case of dispute, to whom it shall be first tendered.

CHAPTER VII.

OF EXHIBITS.

XXIX. *First.* All exhibits produced by the parties shall be received and inspected by the court; but it shall be competent to the court, after inspection, to reject any exhibit which it may pronounce to be irrelevant, or on other grounds inadmissible.

The court to inspect all exhibits produced, but to reject such as are inadmissible,

Second. When an exhibit is rejected, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the word "rejected," which endorsement shall be subscribed by the court, and the exhibit shall be returned to the party who produced it.

returning them to the party who produced them.

XXX. *First.* When the time limited for appealing has elapsed, either party shall be entitled on application to receive back any exhibit produced by him in the suit, unless the further use of such exhibit has been superseded by the terms of the decree, or the court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

When the time for appealing has elapsed, exhibits to be restored, unless good reasons exist to the contrary.

Second. But any exhibit may be restored before such time has elapsed, by order of the zillah judge granted for special reasons.

Exhibits may be restored at any time for good reasons,

Third. Whenever any exhibit is restored, a copy authenticated by the senior assistant judge, or other covenanted servant being an officer of court, shall be substituted for it in the suit, and a receipt be granted by the party receiving it either on the margin of the minutes of proceedings, where the filing of the exhibit is entered, or in a separate receipt-book to be kept for the purpose.

a copy being retained, and the party's receipt taken.

CHAPTER VIII.

OF COMMISSIONS FOR ASCERTAINING FACTS DEPENDING UPON LOCAL CIRCUMSTANCES.

XXXI. *First.* When a question depending on local circumstances, such as the boundaries or extent of lands, or the direction of water-courses, occurs in a suit, the judge may, by an order of court, commission an assistant judge, one or more *commissioners*, district or village officers, or any other fit person or persons, to repair to the spot and make the necessary investigation.

Under certain circumstances, the court may direct a local investigation by a commissioner,

Second. The commissioner shall carefully inspect the lands, water-courses, or other subject in dispute, and, if so directed, shall also take on the spot the depositions of the requisite witnesses, after which he shall make a report of his proceedings to the court in writing, with his opinion

who shall make personal inspection, and report his proceedings;

on the matters committed to his investigation, accompanying such report with the depositions of witnesses, if any have been taken.

and if not a sworn officer, shall take an *oath*.

Third. The commissioner, if not a sworn officer of court, shall depose on *oath* before the judge, or other person having authority to administer an *oath*, that his report has been truly and honestly made, which *oath* shall be subjoined or annexed to his report.

The parties to attend at the investigation;

Fourth. Both parties shall have notice to enable them to attend the commission during the investigation.

at the conclusion of which the commissioner may be remunerated.

Fifth. When a person has been employed in a local investigation under a special commission, the judge, if applied to by him, may award such sum for his trouble as he may deem reasonable.

CHAPTER IX.

OF WITNESSES.

Each party to produce his witnesses;

XXXII. *First*. If either of the parties is desirous of examining a witness, he shall bring such witness into court on the day of trial.

or to apply in time to the court, which will issue a summons,

Second. But if he requires the assistance of the court to procure the attendance of a witness, he shall apply in due time to the court, which shall issue a summons, according to the form contained in Appendix (K), requiring him to attend.

to be served by a peon, whose expenses shall be duly regulated, and shall be included in the costs, but shall be paid in the first instance by the party requiring the summons.

Third. The summons shall be served by a badged peon, and the nazir's return endorsed upon the summons shall specify the name of the peon who served it, the date when it was served, and the charges of serving it: the charges shall be calculated according to the customary rate of travelling charges in the country, but shall in no case exceed four annas per day, and the day's journey shall in no case be reckoned at less than ten miles; the amount shall be included in the costs of suit, but shall be defrayed in the first instance by the party at whose application the summons was issued, and shall be levied, if necessary, in the same manner as witnesses' expenses.

The court may in certain cases substitute a sealed letter, which shall be equivalent to a summons.

Fourth. Nothing contained in Clauses Second and Third of this section shall be construed to prevent the court from substituting for a summons a sealed letter, when the person whose presence is required is of a rank or class in society which may seem to entitle him to such mark of consideration: in such case the letter shall be deemed a summons, and a copy thereof shall be preserved in the suit, and shall bear the nazir's endorsement.

A witness not attending on a summons, may be summoned again or arrested.

Fifth. If a witness on whom a summons has been served shall not appear at the time therein appointed, the court, if applied to verbally by the party at whose instance he was summoned, may, according to the circumstances of the case, proceed to obtain his evidence without his attendance in court, or issue a second summons, or direct the nazir by warrant, in the form contained in Appendix (L), to apprehend the witness, and bring him before the court.

All persons competent witnesses, except insane persons and minors.

XXXIII. *First*. All persons shall be competent witnesses who have arrived at years of discretion, and are of sane mind.

But objections to the examination may be

Second. But either party may object to the examination of a witness, on the ground *of his having been convicted of a crime rendering him unworthy*

Repealed by Act XIX. 1837.

of credit, of his being related to the other party, of his being at violent enmity with the party objecting, or of his being interested in the event of the suit; and the objection, if the fact alleged is admitted to be true, or is otherwise substantiated, shall be entered in the minutes of proceedings; but the court may, notwithstanding, receive the evidence of such witness, if it shall seem conducive to the ends of justice.

made; and if substantiated, shall be recorded, though the examination may, if requisite, proceed.

XXXIV. *First.* Before a witness gives evidence, the court shall admonish him in the following or similar words: "Be careful that you tell to the court the whole truth, and nothing but the truth, in the matters on which you are now to be examined, or otherwise you will be liable to punishment as a false witness."

A witness before examination shall be admonished;

Second. A witness who, after being so admonished, wilfully gives false evidence before the court, shall be deemed to have committed perjury, and shall be liable to punishment accordingly.

and if he gives false evidence, will be punished as for perjury:

Third. It shall always be competent to the court, if it deems it expedient, to cause to be administered to a witness such *oath** as may be considered most binding on his conscience.

but the court may administer any *oath* which it deems fit.

Fourth. If it appears to the court that a witness in giving his evidence has committed perjury, it shall transfer him (with all relevant evidence) to the *criminal* judge, to be dealt with according to law.

A perjured witness to be proceeded against criminally.

XXXV. *First.* When a witness has been judicially admonished or *sworn*, he shall be examined by the parties and the court, in such order as the court may direct.

Witnesses to be examined by the parties and the court,

Second. It shall be the duty of the court to prevent any question being put which it may consider as irrelevant, as leading the witness, or as otherwise objectionable.

which shall prevent improper questions.

XXXVI. *First.* The deposition of each witness shall be taken down in writing by the serishtadar or other officer of court, in the language and character used in the court, and when completed, it shall be signed by the witness with his name or mark, and shall be authenticated by the court.

The deposition to be signed by the witness and the court, and to be in the language of the court,

Second. But if the language used in the court is not familiarly known to the witness, his deposition shall be taken in the language best known to him, for which an interpreter can be found.

if known to the witness, otherwise the language best known to him, if possible, to be used.

XXXVII. If both parties in a suit should express in writing such to be their wish, the recording of the evidence and proceedings at length shall be dispensed with, and the court's notes alone shall be preserved: if a suit so tried be appealed, the said notes shall be held to be the record of the suit, and the facts therein recorded shall be deemed to be determined, the appeal being admitted only (so far as such facts are concerned) on the deductions drawn from them.

If the parties desire it, the evidence need not be taken down; and on appeal, the court's notes must be deemed conclusive.

XXXVIII. If a witness whose evidence is required by either party is about to leave the zillah before the time of trial, or if other good and sufficient cause should be urged, the court, on application of the party requiring his evidence, and on being satisfied of the fact alleged, may

A witness may, for good reason, be examined before the trial, both parties receiving intimation.

* Rescinded as respects Hindoos and Mahomedans by Act V. 1840.

examine such witness before the trial, notice of the time appointed for the examination being previously given to the parties.

A witness may be examined out of court, if unable to attend, or if a female who is precluded from appearing in public, or a man of rank, if the court see fit;

a female may further remain veiled or concealed, her identity being ascertained.

XXXIX. *First.* If a witness, from sickness or other infirmity, is unable to attend in court, or if a female witness is of a rank and caste which would render it improper to compel her to appear in public, the court, if it deems the examination of such witness material to the cause, shall appoint one or more persons, by a special commission, to take her evidence: the court may in like manner, at its discretion, obtain the evidence of a man of rank, without enforcing his attendance in court.

Second. It is further provided, that a female witness examined under the preceding clause may remain veiled or out of view during her examination, the commissioner having satisfied himself, if necessary, by employing females or other unexceptionable persons, of her identity.

Modified by Act VII. 1841.

XL. [Examination of absent witnesses.] *Rescinded by Act VII.* 1841.

A *commissioner* to proceed himself to witnesses who cannot attend, if the place be near, and within the zillah; *otherwise to report to the judge.*

XLI. When any of the cases specified in Section XXXIX. Clause First, occurs in a suit before a native *commissioner*, he shall, if the witness resides at a convenient distance, and within the zillah, proceed to the spot, and take the evidence in person; *but if the distance is such as to cause a material interruption to his business, or if the witness resides beyond the zillah, the commissioner shall report the case to the judge, who will, if it appears requisite, proceed as in similar cases arising in his own court.*

Modified by Act VII. 1841.

XLII. to XLIV. [Examination of witnesses by commission, and remuneration of commissioners.] *Rescinded by Act VII.* 1841.

Witnesses' expenses to be paid immediately by the party calling them, on pain of fine and imprisonment in case of failure,

XLV. *First.* If a person called as a witness shall have been subjected to any expense by his attendance at the trial, the court may award him such sum for his charges as may appear reasonable, and in default of immediate payment, may, if it see cause, commit to prison for contempt the party by whom he was called, for a period not exceeding sixty days, unless the charges are sooner paid, together with any fine, not exceeding the amount of the charges, which the court may impose.

such expenses being further leviable by distraint.

Second. It shall further be competent to the court, on application from the witness, and whether the party be committed to prison or not, to proceed to the recovery of the amount due to the witness by distraint, in the same manner as in the recovery of the amount of a decree.

Accounts to be kept of payments to the witnesses, duly authenticated.

Third. The serishtadar, or in the court of a *commissioner*, the *commissioner*, shall keep in each cause an account of the sums paid to witnesses by order of the court, but he shall enter no sums therein except those for which the party may produce a receipt by the witness.

CHAPTER X.

OF NOTICE TO BE GIVEN TO COHEIRS INTERESTED IN SUITS WHICH HAVE BEEN INSTITUTED WITHOUT THEIR PARTICIPATION.

In succession suits, coheirs to receive due intimation by proclamation,

XLVI. *First.* Whenever, in a suit depending on the rules of succession, it does not appear that all the persons who possess a title to the property in

dispute as heirs have been made parties in the suit, the court shall stay its proceedings, and issue a proclamation, according to the form contained in Appendix (M), explaining the nature of the suit, and the names of the parties, and inviting all persons having any claim to the property as heirs to prefer the same within a period to be specified, and not to be less than fifteen days from the date of the proclamation.

Second. The proclamation, as far as circumstances will admit, shall be published in the manner prescribed in Section VIII. Clause Tenth, of this Regulation.

duly published.

XLVII. *First.* If after the expiration of the specified period no claimant has appeared, the court may proceed as in ordinary cases.

If no claimant appears, the suit to proceed;

Second. If a claimant appears, and becomes a party to the suit, the court shall investigate his claim, and pronounce a decision thereon, in the same manner as upon those of the other claimants, adjudging him at the same time to pay a due proportion of the costs of the suit.

if otherwise, the claimant to be admitted as a party, being liable for a share of the costs;

Third. But no decree which may be passed in the suit shall bar a person claiming as heir, and who was not knowingly a party in such suit, from prosecuting his right to the whole or any part of the property in dispute by the ordinary course of law.

but the decree not to affect persons not knowingly parties in the suit.

CHAPTER XI.

OF CONTEMPTS.

XLVIII. If a witness who has been apprehended and brought before the court, is not able to substantiate that he was prevented from obeying the summons by a valid cause, the court may, according to the circumstances of the case, impose a fine on such witness not exceeding (500) five hundred rupees, and, in default of payment, commit him to close custody, for a period not exceeding three months, unless the fine is sooner paid.

Non-attendance of a witness without sufficient cause, punishable with fine and imprisonment.

XLIX. *First.* If a witness attending the court refuses to give evidence, and does not assign a sufficient reason for such refusal, the court, according to the circumstances of the case, may impose a fine upon him not exceeding (500) five hundred rupees, and, in default of payment, commit him to close custody, for a period not exceeding three months, unless the fine is sooner paid.

as also contumacious refusal to give evidence.

Second. If the court is of opinion that the evidence of such witness is material to the suit, it shall be in its discretion to commit him to close custody until he gives his evidence, and although he is so committed, the fine prescribed in the above clause may nevertheless be imposed, the date of imprisonment in default of payment being computed from the day when he gave his evidence.

even should he afterwards give it.

L. If a witness, after giving his evidence, refuse to sign the deposition, the court shall subscribe the deposition, which shall then be considered as part of the evidence in the suit, and such refractory witness shall be liable to be punished in the same way as a witness refusing to give evidence

A witness refusing to sign his deposition, punishable with fine and imprisonment.

without assigning sufficient cause for such refusal, under the rules contained in the first clause of the preceding section.

Impropriety of language and manner in any person, and prevarication in a witness, punishable with fine and imprisonment;

LI. If any person employs terms of abuse in pleading [*or uses insolent language or gestures in court, or otherwise disturbs the proceedings of the court*], or if he wilfully prevaricates when examined as a witness, the court may immediately punish the offender by a fine not exceeding (500) five hundred rupees, and, in default of payment, commit him to close custody, for a period not exceeding three months, unless the fine is sooner paid. Modified by Act XXX. 1841.

as also resistance, by any one, of the court's process,

LII. If any person obstructs or resists the execution of any process, rule, order, or decree of court, the court, on proof of the fact, may order the offender to be summoned, or taken into custody, as the case may require, and, after an investigation of the circumstances, may impose a fine on the offender not exceeding (500) five hundred rupees, and, in default of payment, commit him to prison, for a period not exceeding three months, unless the fine is sooner paid.

and the institution of groundless and vexatious suits:

LIII. When the court is satisfied that a suit has been instituted groundlessly, or for vexatious purposes, it may impose a fine upon the plaintiff, not exceeding (500) five hundred rupees, and, in default of payment, commit him to close custody, for a period not exceeding three months, unless the fine is sooner paid.

the fine in all cases being of smaller amount in the lower courts than in that of the judge.

LIV. Whenever any of the above cases of contempt occurs in the court of an assistant judge or *commissioner*, the fine to be imposed on the offender shall not exceed, in the court of a senior assistant judge, one-half, and in the court of a junior assistant judge or *commissioner*, one-tenth of the highest fine that can be imposed in similar cases by the judge; but the term of imprisonment may be the same. See Act XXX. 1841.

Fines imposed by the judge or senior assistant judge open to appeal,

LV. *First.* Orders imposing fines under any of the preceding sections of this chapter, passed in the courts of the judge and senior assistant judge, shall, without staying execution in the interim, be open to appeal to the Sudder Dewanny Adawlut and zillah judge respectively, and the decision passed on such appeal shall be final.

and in the lower courts leviable only after a review of the case.

Second. And if a junior assistant judge or *commissioner* pass an order, imposing a fine or awarding punishment under any of the preceding sections of this chapter, he shall in no case imprison the offender or levy the fine, but shall, without delay, report the proceedings to the judge, who, if he approves of the punishment, shall issue an order to the nazir to levy the fine, and, in default of payment, commit the offender to close custody, for a period not exceeding the highest term of imprisonment prescribed for the case, unless the fine is sooner paid.

Persons imprisoned for contempt may be lodged in the civil or criminal gaol,

LVI. *First.* Persons imprisoned for contempt shall be confined either in the civil or criminal gaol, at the discretion of the court, and the subsistence of the offenders shall be provided for in the same way as that of prisoners in the criminal gaol.

the zillah judge exe

Second. Commitments for contempt issued by the Sudder Adawlut shall

be executed by the zillah judge, on a precept being issued for that purpose.

cuting the sentence of the Sudder Adawlut.

Third. Punishments adjudged under any of the preceding sections of this chapter shall not bar a party from instituting an action for damages for any injury he may have sustained by the offences for which the punishments were awarded.

The party injured by the contempt may always sue the offender for damages.

CHAPTER XII.

OF COSTS.

LVII. *First.* Under the denomination of "costs" are to be included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein, under the authority of any Regulation, such as the expense of summoning the defendants, taxes on law proceedings, fees of attorneys,* subsistence-money to the nazir's officers, charges of witnesses, and sums awarded to commissioners employed either in local investigations or in taking evidence.

Items constituting costs of suits.

* See Act I. 1846.

Second. Each party shall pay, in the first instance, the costs incurred in his behalf.

which each party in the first instance pays for himself.

LVIII. *First.* If by the decree the suit is dismissed, or if the plaintiff is found entitled to the full possession of the property, or the full amount of the sum sued for, or if judgment is given for the defendant, the whole costs of suit shall be paid by the party against whom the decree is made, unless the court shall think that any part of the proceeding was needless, or that any unnecessary expense was incurred.

If either party proves his case entirely, the other to pay all costs, unless needless proceedings or expenses are shown.

Second. If the decree is given for a less sum than was sued for, the costs shall be paid by the parties in such proportions as the court may direct.

When part of the claim is admitted, the costs to be divided,

Third. In extraordinary cases, the court may direct the costs to be paid by either party, and in the proportions that may be equitable; the reason for such deviation from the ordinary rule being specified in the decree.

and in extraordinary cases apportioned at the court's discretion, for reasons shown in the decree.

CHAPTER XIII.

OF ENFORCING SECURITY-BONDS TAKEN IN SUITS.

LIX. If a party in a suit who has furnished security makes default, the other party in the suit, if injured by the default, shall present a petition to the court, reciting the circumstances of the case, and stating the default, the extent of the loss occasioned to him thereby, and the liability of the surety; whereupon the court shall investigate the matter, and pass such order as may be consistent with justice and the Regulations, and shall cause the same to be executed in the same manner as a decree of court, such order being in like manner also open to appeal.

Injuries occasioned by defaults to be redressed at the expense of the security for the defaulter, an appeal being allowed.

CHAPTER XIV.

OF THE DECREE AND ITS ENFORCEMENT.

Judgment in suits to be given by a written decree,

which shall specify all necessary matters connected with the suit.

LX. *First.* When the pleadings and exhibits have been read, the parties heard, the witnesses examined, and the whole proceedings in the suit completed, the court shall give judgment by a written decree.

Second. The decree shall specify the number of the suit, the amount sued for, and the names of the parties; it shall also recite in abstract the nature and substance of the complaint, the judgment of the court, and an abstract of the reasons thereof, the amount awarded if the decree be for money, and, if for any object the execution of which may possibly be impracticable, an amount of money as an alternative, the amount of costs awarded, and that of fine if the suit is deemed groundless or vexatious.

Instalments may be specified in the decree,

and interest as the court may deem fit allowed;

Third. The court may, by consent of parties, decree the sum awarded to be paid by instalments, which shall be specified in the decree.

Fourth. The court may add in the decree interest on the whole sum sued for, or on any part thereof, from the date of filing the suit till the date of the decree.

the papers in the suit and the costs to be specified in the decree.

Fifth. A list of the pleadings, depositions, exhibits, and other documents in the suit; an account of the costs incurred by the plaintiff, and a similar account of the costs incurred by the defendant, shall also be inserted in the decree. See Act I. 1846.

Decrees to be enforced on application to the court.

LXI. *First.* If the party against whom a decree has been passed shall fail to fulfil such decree, either wholly or in part, the court, on application of the other party, shall direct it to be enforced.

Commissioner's decrees to be enforced by the judge or one of his assistants:

Second. But, if the decree has been passed by a *commissioner*, the application for enforcing it shall be addressed to the judge, who may either decide on it himself, or delegate authority for that purpose to an assistant judge.

decrees not to be enforced until ten days after their dates:

Third. * No order for the enforcement of a decree shall be passed until ten days from the date of the decree, except for special causes, to be shown to and approved by the court.

decrees against the same defendant to be satisfied according to priority of plaints,

Fourth. If more suits than one have been instituted against the same defendant, the plaintiffs obtaining decrees in their favour, in the absence of any special ground of preference in regard to any particular claim, shall be entitled to demand the full enforcement of their decrees, according to the relative priority of their plaints.

unless they were filed within twenty days of each other.

Fifth. But, if the plaints were filed within the period of twenty days of each other, the decrees, in the absence of any special ground of preference, as stated in the preceding clause, shall, upon the verbal application of any of the holders to that effect, be satisfied simultaneously, and, if their full discharge is impracticable, then each in proportion to its respective amount.

* Modified as extended to Poona, Ahmednugger, and the Southern Mahratta country (Dharwar), by Clause Third, Section vii. Reg. XXIX. 1827, and Section ii. Reg. VII. 1830.

Applications for enforcement of decrees to specify the nature of the assistance required, and to be accompanied by an attested copy of the decree, bearing a memorandum of any satisfaction made.

LXII. *First.* The application for the enforcement of a decree shall state the mode in which the assistance of the court is required, whether in the occupation of property specifically decreed, the arrest and imprisonment of the debtor, or the attachment and sale of any of his moveable or immoveable property, in which case such property must be distinctly specified, with the probable value thereof; an authenticated copy of the decree, which may be procured on verbal application and the production of any stamped paper required, shall accompany the application, and shall bear an endorsement specifying the nature and extent of any satisfaction which may have been made by the debtor; the copy of the decree shall, after inspection, be returned to the applicant.

See Sec. xx. Reg. XVIII. 1827.

The court to enforce the decree according to the same;

Second. The court shall, on receiving the application, issue such order as may be requisite towards the enforcement of the decree; if it be for land or other immoveable property, the same shall be delivered over to the plaintiff; if it be for any specific moveable property, or for the performance of any particular act, the same shall, if practicable, be respectively delivered and enforced, and, if this be not practicable, whether from the wilful opposition of the defendant, or others, or from other causes, payment of the pecuniary equivalent specified in the decree shall, without prejudice to the operation of the provisions of Section LII., be enforced, in the same way as decrees for money are enforced, by the arrest and imprisonment of the defendant, or the attachment and sale of his property, as specified by the plaintiff, or by both; but it is to be clearly understood, that if the defendant shall point out any of his property for sale in preference to that specified by the plaintiff, the property so pointed out shall be first sold, and that such implements of manual labour, and such cattle and implements of agriculture, as may, in the judgment of the court from which the process issues, be indispensable for the defendant to earn a livelihood in his respective calling, or cultivate any land that he may hold for that purpose, shall be exempt from attachment.

the debtor having the option of property to be sold,

and articles absolutely required to procure him subsistence being exempted.

The nazir to execute decrees at the Sudder station and the *commissioners* elsewhere, and to make returns as directed.

Third. When a decree is to be enforced at the Sudder station, or in its vicinity, the order shall be issued to the nazir, and when in a subordinate district, to the *commissioner* of the district; and a return to the order shall be made, when it is fully executed, or at such period as may be specified in the order, which shall in no case be more than six months from the date of the order.

Subsistence - money of a defendant in the gaol how fixed and furnished:

LXIII. *First.* When a defendant, under a decree, is committed to prison at the instance of the plaintiff, the judge shall fix whatever monthly allowance he shall think sufficient for the defendant's subsistence, not being more than (100) one hundred reas per day, which shall be supplied by the plaintiff to the nazir, by monthly payments in advance, on or before the 1st day of each month, the first payment being made on the date of imprisonment for such portion of the current month as remains unexpired.

a defendant not guilty of fraud never to be confined for more than three years, and under certain circumstances to be sooner released:

Second. A defendant in confinement will be released at any time, on full execution of the decree being made, or at the instance of the plaintiff, or on the plaintiff's omitting to pay the allowance as above directed for the space of (24) twenty-four hours after it has become due; and further, if the defendant should not previously have sought to procure his enlargement by the surrender of his property, under the rules contained in the

succeeding section, his imprisonment, on account of the decree which occasioned it, shall not in any case exceed three years.

subsistence-money is recoverable from property, but will not occasion imprisonment.

Third. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules; but the defendant shall not be detained in custody, or arrested, on account of such disbursements.

A defendant will at any time obtain his release on surrendering his property;

LXIV. *First.* A defendant in confinement may at any time procure his enlargement by making an application to the judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigning to the plaintiff the whole of such property, or such part thereof as may be sufficient for the satisfaction of the decree: in such case the judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and require him within a reasonable period, to be fixed by the judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant, and on his failing to make such proof within the period specified, shall cause the defendant to be set at liberty.

but if he commit fraud, the plaintiff may detain him for five years in gaol.

Second. But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the judge, that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed or undervalued property, or his right or interest therein, or fraudulently transferred or removed property, or committed other act of bad faith, the judge shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be (unless he shall already have been confined five years on account of the decree), and such fraudulent defendant shall be liable to imprisonment for a period not exceeding five years in the whole, on account of that decree, but terminable at any time on full execution of the decree, or at the instance of the plaintiff, or on his failing to pay the subsistence-money, as specified in the preceding section.

A defendant never to be twice imprisoned except in the case of such fraud.

LXV. A defendant once enlarged shall not again be imprisoned on account of the same decree, except under the operation of the Second Clause of the preceding section, but his property will continue liable to attachment and sale, under the ordinary rules in satisfaction of the decree, until the same shall be fully made.

Sales of property in satisfaction of decrees to be made by public auction at least fifteen days after proclamation; of the articles to be sold, and the time and place of sale, unless objected to upon good grounds;

LXVI. *First.* Whenever a sale of property takes place under a decree, it shall be by public auction, and after not less than (15) fifteen days' public notice by proclamation.

Second. The proclamation shall be according to the form in Appendix (N), and shall contain a specific inventory of the articles of property to be sold, and intimation that the sale will proceed at a time and place therein mentioned, unless the same shall be objected to by some person, other than the alleged owner, who within (15) fifteen days from the date of such proclamation shall establish to the satisfaction of the creditor, or of the court, a right or interest in the property under attachment, or shall

engage, under such penalty as may be imposed, to file, within (30) thirty days from the date of the intended sale, a suit in court to establish such right or interest.

Third. A copy of the proclamation shall be fixed up at the place where the property is situated, and also at the most public part of the town or village, and in such other places as the order of court may direct.

proclamation where to be made.

LXVII. *First.* If, before the sale has taken place, any person, other than the alleged owner of the property, intimates to the court or to the officer superintending such sale, that he has a right or interest in the property, and either establishes the same, on the one hand, to the satisfaction of the creditor, or of the court or its officer, as the case may be; or engages, on the other hand, to institute a suit within (30) thirty days from the date of the intended sale, for the purpose of establishing it, the court, or the officer superintending the sale, shall, at the option of such claimant, while his demand is unsatisfied, either cause the sale of the property to be stayed until his claim is decided upon, and the attachment to be removed when the claim is established, or cause the property to be sold under an express declaration by proclamation issued as prescribed in Section LXVI. Clause Third, at least ten days previously to the sale, exclusively of the period specified in Clause First of that section, that such property is sold subject to the right or interest advanced thereto by the claimant, provided that the same shall be established in a competent court, as prescribed by the Regulations.

If a third party appears, and urges good grounds for the measure, a sale may be stayed, or proceed without prejudice to such third person's claim:

Second. An order of the nazir or other officer for removing an attachment, or staying a sale, shall be of force only until an order of court can be passed upon his return to the order of sale, in which he shall be careful to explain the grounds on which he acted.

sales to be stayed temporarily only by the ministerial officers employed, and definitively by the court:

Third. In all cases where a suit is filed to establish a right to property under attachment, it shall be heard and determined as soon after the pleadings are completed as circumstances will permit, without regard to the order in which it stands upon the file.

suits upon sales stayed to be tried as soon as possible.

LXVIII. Whenever property of a debtor is attached to answer a decree, such attachment shall give the creditor a right to be paid from the proceeds of the property attached, in preference to a creditor who may have subsequently attached it to answer a decree of an earlier date.

Decrees to be satisfied from property, according to priority of attachment.

LXIX. *First.* Land and its crop, of whatever kind, shall not be attached and sold separately until after the crop has been reaped or gathered.

Crops not to be disposed of separately from the land until after reaping,

Second. When corn or other production of the soil is attached and sold, the collector or his officers may prevent its being sold or carried off the lands, unless the purchaser shall pay the amount due on account of the revenue of such lands; but in no case shall the purchaser be liable for more than one year's revenue.

and when reaped, they may be attached by the collector in satisfaction of the revenue of the year.

Third. The same right of detention for arrears of rent, similarly restricted, shall be exercised by a landholder where his tenant's corn or other production of the soil is attached.

and by landholders upon the same principles, in satisfaction of the rent of the year.

LXX. *First.* A decree passed in one zillah may be enforced, under the

Decrees of one zillah may be enforced in

another, on reference if necessary, to the judge of the zillah in which they were passed,

general rules, in another zillah by the judge thereof; but, if the application for enforcement in such other zillah is not received from the judge of the zillah in which it was passed, it shall be transmitted to him previously to enforcement, and such judge shall return it as soon as possible, with an endorsement, under his seal and signature, specifying the extent to which the decree appears to have been executed within his zillah.

the defendant's person and property being detained in the meantime;

Second. But, pending the reference prescribed in the preceding clause, the debtor may be arrested, or obliged to find security that he will not leave the jurisdiction, and his property may be attached.

decrees of the Bombay Court of Requests and competent authorities in the Bombay territories beyond the zillah, to be enforced in like manner.

Third. The rules contained in the two preceding clauses shall be applicable also to decrees of the Court of Requests at the Presidency, and to decrees passed by competent authority in those parts of the territories subordinate to Bombay, in which Zillah Courts have not been established.

CHAPTER XV.

OF THE REVISION OF ORIGINAL DECREES.

Application for revision of a decree may be made in certain cases;

LXXI. *First.* If either party should deem himself aggrieved by a decree, and should have strong and evident grounds to urge against the justice of the same, such as an error or omission being apparent on the face of it, or the discovery of new matter or evidence which was not within his knowledge, or could not be adduced by him at the time when the decree was passed, he may solicit a revision of the decree by written application to the court which passed it.

rejection of a revision to be final, but revision to be granted only with the concurrence of the respective court of appeal.

Second. If the court, after a full consideration of the grounds of the application, should be of opinion that the reasons urged for a revision of the decree or order are insufficient, it shall reject the application, and the order of rejection shall not be open to appeal; if it should, on the contrary, judge them to be adequate and convincing, the application shall, if made to a subordinate court, be referred, with the sentiments of the court, to the zillah judge, and, if made to the zillah judge, shall be referred, with his sentiments, to the Sudder Dewanny Adawlut, for final decision by those authorities respectively.

One revision only competent, but this may be granted on either party's application,

Third. One revision only of a decree shall be competent, but both parties in the suit may make applications for a revision, and the rejection of the one shall not influence the decision on the other.

but not if an appeal has been admitted:

Fourth. No revision shall be granted, if an appeal to a superior court has been admitted.

decrees under revision to be executed or not, according to circumstances;

Fifth. When a revision has been granted, execution of the decree shall be regulated according to the provisions of Sections LXXXI. and LXXXII. on the subject of decrees in suits under appeal.

revisions how to be conducted.

Sixth. When a revision is admitted, it shall be competent to the court by which the decree was passed, to take such additional evidence and pleadings as may have been omitted, and to pass a new decree thereon, which shall be held to stand in the place of the first decree in all respects.

CHAPTER XVI.

OF THE ADMISSION AND REJECTION OF APPEALS.

Clauses First to Third. [Appeals from junior and senior assistant judges.] *Rescinded by Sec. I. and see Sec. II. Regulation VII.* 1831.

Fourth. Every suit originally tried by a zillah judge shall be open to an appeal to the Sudder Dewanny Adawlut.

Judge's original decrees appealable to the Sudder Dewanny Adawlut.

Fifth. [British-born subjects may appeal to Supreme Court under 53 George III. cap. 155, sec. 107.] *Superseded by Act XI.* 1836.

See Sec. iv. Reg. 1. 1830.

Superseded by Act XI. 1836.

LXXIII. *First.* In all cases where a party is desirous of appealing, he shall apply by petition addressed to the court in which the appeal is cognizable, which shall be presented to the judge of the zillah, excepting [*in appeals to his Majesty's Supreme Court of Judicature at Bombay in suits against British-born subjects, and*] in appeals to the King in Council.

Petitions of appeal to be addressed to the Appeal Court and presented to the judge, except in certain cases:

Second. If the decree was passed by any court subordinate to the zillah judge, the petition shall be presented within thirty (30) days, and if by a zillah judge, within ninety (90) days from the date of such decree.

appeals to the judge must be made within thirty, and to the Sudder Adawlut within ninety days from the date of the decree,

Third. It shall nevertheless be competent to the judge, after the expiration of the prescribed period, if the appeal is to himself, to grant the same, and if it is to the Sudder Dewanny Adawlut, to admit it temporarily, subject to the decision of the Superior Court upon the point, provided that the appellant can show to the judge's satisfaction just and necessary cause for not having preferred it in due time; but in all such cases, the reasons inducing the measures adopted shall be fully stated in the minutes of proceedings.

but may be admitted after these periods, for good reasons.

LXXIV. *First.* The petition shall specify the number of the suit, the date when it was filed, the subject of the complaint, the assumed value of the property in dispute, the sum claimed, or the amount of damages alleged to have been sustained, as the case may be, the date of the decree from which the party is desirous of appealing, and such other particulars as he may deem of importance.

The petition, what to contain,

Second. The petition shall be signed by the appellant, or his recognized agent or authorized vakeel, and if a vakalutnama is required under the Regulations, it shall accompany the petition.

and how to be authenticated.

LXXV. The appellant, along with his petition, shall deliver good and sufficient security,* according to the form contained in Appendix (O), for payment of the costs that may be awarded on the appeal to the respondent; and without such security no petition of appeal shall be admitted, except on proof that the appellant is a pauper.

Security for costs must be given by the appellant.

LXXVI. If on any account the application to appeal is rejected, the judge shall cause an entry to be made on the minutes of proceedings, of the reasons for rejecting it, and if applied to, he shall furnish the peti-

Petition of appeal, how rejected.

* See Act VIII. 1845, in respect of Government appeals.

tioner with an authenticated copy of the petition, and of the entry so made.

and how admitted:

LXXVII. *First.* If the application to appeal is admitted, the judge shall cause the date on which the petition was presented to be endorsed thereon, and shall subscribe the endorsement; he shall also cause the word "appealed" to be written on the margin of the minutes of proceedings, opposite to the decree in the suit.

and if to the Sudder Dewanny Adawlut, how further disposed of.

Second. And if the appeal is to the Sudder Dewanny Adawlut, he shall forthwith transmit the petition and security-bond to that court.

All papers of suits appealed to the Sudder Dewanny Adawlut, with a copy of the court's proceedings, to be sent forthwith to the Superior Court,

with an inventory in duplicate, one copy of which is to be returned.

LXXVIII. *First.* When the appeal is to the Sudder Adawlut, the judge shall within fifteen (15) days, or as soon after as circumstances will permit, forward to that court the proceedings in the suit, including the whole of the original papers used in the suit, and remaining in the custody of the court, together with an authenticated copy of the minutes of proceedings.

Second. The papers so forwarded shall be accompanied by an inventory in duplicate, of which one copy shall be returned to the zillah judge, signed by the register or assistant register of the Sudder Dewanny Adawlut, and the other retained on the records of that court.

Copies of all papers forwarded to be retained:

further proceedings to be in like manner forwarded and copies retained;

when the original cannot conveniently be sent, copies to be forwarded;

but the Superior Court may call for the original;

when an original is not forthcoming, copy from the general register may be sent.

LXXIX. *First.* Authenticated copies of all original papers forwarded to the Sudder Dewanny Adawlut shall be made and deposited in the Zillah Court, which copies shall be deemed records of the court.

Second. Any further proceedings that may take place in the Zillah Court pending the appeal, shall in like manner be forwarded to the Sudder Dewanny Adawlut, copies being retained for record.

Third. If any original exhibit is entered in a book, so that it cannot without great inconvenience be forwarded to the Sudder Dewanny Adawlut, the judge shall transmit an authenticated copy of such exhibit, and certify thereon the reason why it was substituted; but it shall nevertheless be competent to the Sudder Dewanny Adawlut to call for the original exhibit.

Fourth. If any original paper, which has been registered in the general register, shall have been lost or destroyed, a copy of such paper, certified by the superintendent of the register, shall be transmitted to the Sudder Dewanny Adawlut in place of the original.

The parties to be informed of the admission of the appeal.

LXXX. When an appeal is admitted, the judge shall cause to be given to the parties a notice according to the form contained in Appendix (P).

CHAPTER XVII.*

OF STAYING AND EXECUTING DECREES UNDER APPEAL.

Execution of decrees under appeal shall be stayed,

LXXXI. *First.* When an appeal has been admitted in any suit, no order for enforcing the decree shall be issued pending such appeal; and if an order for enforcing the decree has been issued, the execution of such order, so far as it may be unexecuted, shall be suspended pending the appeal.

* See Act VIII. 1845, in respect of Government appeals.

Second. But the judge, if applied to by the respondent, shall require the appellant, if in possession, to find good and sufficient security, according to the form contained in Appendix (Q), in a sum equal to one year's amount of the annual produce of any land, house, or other immoveable property, the right to which was decided by the decree, and forms the subject of appeal; and with respect to other property, good and sufficient security, in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree which may be passed upon the appeal.

but the appellant shall be required to find proper security;

LXXXII. *First.* If the appellant, when so required, fails to find the prescribed security, the decree may be enforced, as in ordinary cases, notwithstanding the appeal, except that the debtor shall not be liable to be imprisoned, unless he fails to find security that he will not leave the jurisdiction of the court about to try the appeal; but the judge, if applied to by the appellant, shall require the respondent to find security, as prescribed in the preceding section, for the performance of the decree which may be passed upon the appeal.

and if he fails to do so, the decree may be enforced under certain restrictions, if the respondent finds proper security.

Second. If neither party furnishes the required security, for the performance of the conditions of the final decree, the judge shall, on the requisite application being made, cause the decree to be enforced; provided, however, that the debtor shall not be liable to imprisonment; and further, that any sum of money levied, and any valuable property adjudged and seized, shall, if it be neither bulky nor perishable, be lodged in the court, to abide the issue of the appeal; and that, if the decree be for immoveable property, or for other property requiring attention and care to ensure its preservation, the judge shall appoint a person to receive and manage it in trust pending the appeal, under the rules contained in Section VIII. Clauses Sixth, Seventh, and Eighth.

If neither party finds the required security, measures may be taken to ensure the eventual execution of the final decree.

Third. It is to be clearly understood, that if both parties should request the judge in writing to adopt any particular measure in regard to the execution of the decree, while the suit is under appeal, their wishes shall be attended to, unless strong and substantial objections should exist thereto.

the combined wishes of the parties being as far as possible attended to.

CHAPTER XVIII.

OF PROCEDURE AND TRIAL IN APPEAL.

LXXXIII. *First.* Whenever a petition of appeal is received by the court to which the appeal is made, it shall be dated and numbered by endorsement, in the order in which it is received; and such endorsement, if the appeal is to the Sudder Dewanny Adawlut, shall be signed by the register or assistant register; and if to the zillah judge, by the judge.

Petitions of appeal how dated and numbered, signed,

Second. The petition of appeal, after being so marked, shall be registered in a book to be kept, according to the form contained in Appendix (R).

and registered.

LXXXIV. When the proceedings held in the lower court have been received by the court to which the appeal is made, a summons, according to the form contained in Appendix (S), shall issue from the latter court, directed to the parties, requiring them to appear, either personally or

Summons to the parties to appear.

by attorney, on a day to be specified, and not to be less than thirty (30) days from the date of the summons, if the appeal is to the Sudder Adawlut, nor less than fifteen (15) days, if it is to a zillah judge, except by consent of both parties.

The appellant may file a separate petition of appeal;

LXXXV. The appellant, on appearing upon the day appointed, shall be permitted, either immediately or on such day as the court may fix, to file, if he wishes it, a separate petition of appeal, which shall recite the judgment of the lower court, state whether it has been executed, and if so, to what extent, and offer specific objections to the judgment, with the reasons for the appeal, and all matters elucidatory of his case.

further proceedings, with certain exceptions, to be the same as in original suits.

LXXXVI. All further pleadings, and all the proceedings and acts of the court, from the filing of the petition of appeal until the decree is passed, shall, with the exceptions hereinafter specified, be conducted according to the rules prescribed for the trial of original suits.

The appellant may withdraw his appeal; consequences thereof.

LXXXVII. It shall be competent to the appellant, at any stage of an appeal, to withdraw such appeal by making application for that purpose, in which case he shall be liable to the costs of both parties, and be subject to the provisions contained in Section XVIII. of this Regulation.

Summonses and processes of the Sudder Dewanny Adawlut to be served through the judge,

LXXXVIII. *First.* All summonses, or other process of the Sudder Dewanny Adawlut, shall, unless the person on whom it is to be served or executed is present in court personally or by vakeel, be served or executed through the medium of the judge of the zillah where the suit was originally tried, or where such person may be or reside.

by a precept to him directed,

Second. In such cases a precept, under the seal of court, and signed by the register, shall be directed to the zillah judge, enjoining him to serve or execute the process within the time and in the manner therein specified, and to return the same without delay.

on receipt of which he shall issue the requisite orders, and make a fitting return,

Third. The process shall be served or executed by the nazir of the Zillah Court, and be endorsed and returned to the judge, as in the case of similar process originating in the Zillah Court, and when so returned, it shall be transmitted by the judge to the Sudder Dewanny Adawlut, together with the precept, on which he shall certify by endorsement that the process has been served or executed, or state the reason why the terms of the precept have not been fulfilled.

issuing a proclamation, if requisite, for the due execution of the process.

Fourth. But if a process is directed to either of the parties, and such process, from his not being found, or other cause, cannot be personally served, the judge of the zillah shall of his own authority issue a notice, which, with a copy of the process, shall be published in the manner directed in Section VI. of this Regulation, Clauses First, Second, and Third, intimating that if the party does not comply therewith within the time limited, the appeal will be proceeded on ex parte.

If either party appears, the appeal to be tried, otherwise to be struck off, and not replaced except under certain circumstances.

LXXXIX. If either of the parties appear at the time fixed for trial, the hearing of the appeal shall proceed, and judgment be given, as if both parties were present; but if neither of the parties appear, the suit shall be struck off the file, and shall not be replaced, except upon the application of the appellant, in writing, within ten days, and his assigning just and reason-

able cause, to the court's satisfaction, for the default which was made by him.

XC. *First.* It shall not be competent to the parties in an appeal to produce additional evidence, whether of exhibits or witnesses.

No new evidence competent in appeal,

Second. But if it appears that competent evidence was refused to be admitted by the lower court, or if the court requires itself the production of exhibits or evidence, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the court may allow additional exhibits to be received, and the same or other witnesses to be examined, provided that whenever this power is exercised, the reasons for exercising it are entered on the minutes of proceedings.

unless for good cause.

XCI. Whenever additional evidence is permitted to be received, it shall be competent to the court to proceed in any of the following modes:—

Additional evidence may be taken,

First. By remanding the suit to the court where it was originally tried, with directions to take additional evidence of documents or witnesses, either as to the whole or particular parts of the matter at issue, and to pronounce judgment anew on the matter so remanded, in which case the lower court shall obtain the evidence, and pass such decree as justice may require, and the decree so passed shall be open to appeal, as in ordinary cases.

by remanding the suit to the court from whence it was received with proper instructions,

Second. By referring points for investigation to the lower court, and suspending a decision until the return of the lower court shall be received.

by referring points for investigation,

Third. By taking the evidence before the court trying the appeal, in conformity with the rules contained in Chapter IX. of this Regulation.

by the appeal court taking the evidence,

Fourth. By preparing written interrogatories, and transmitting them to the lower court, with instructions to obtain the answers of the witnesses thereto, and to return them to the superior court, in conformity with the rules contained in [*Sections XLII. XLIII. and XLIV*].

by transmitting written questions to the inferior court,

Rescinded. See Act VII. 1841.

Fifth. And if the appeal is to the Sudder Dewanny Adawlut, by authorizing the register to act as commissioner for taking the evidence in writing, under such instructions as he may receive from the court, and after notice given to the parties to attend.

and in the Sudder Dewanny Adawlut by the register taking the examination.

XCII. In all cases, when additional evidence is permitted to be taken, the court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of proceedings.

The points for inquiry shall be carefully defined and recorded.

XCIII. *First.* If at any time pending an appeal, the security taken from either party appears inadequate, whether from the increase or improvement of the property forming the subject of appeal, or from the insufficiency of the sureties, the court before which the appeal is pending may, on the application of the other party, require further security.

Security appearing inadequate, may be required to be increased by the Appeal Court,

Second. In default of such further security being found, if the original security was furnished by the appellant, the court may issue an order for enforcing the decree, as if no such original security had been given; but if the original security was furnished by the respondent, the court, so far as

and, if additional security is not furnished, similar measures shall be taken, as if no security had been furnished,

may be practicable, shall compel him to deliver up the property forming the subject of appeal, which shall be disposed of in conformity with such of the rules contained in Section LXXXII. of this Regulation as may be applicable to the particular case.

the appeal being heard as soon as possible.

Third. And whenever additional security is required pending the appeal, and is not found, the appeal may be heard as soon after the pleadings are completed as circumstances will permit, without regard to the order in which it stands upon the file.

CHAPTER XIX.

OF THE DECREE IN APPEAL.

Form and substance of the decree in appeal:

XCIV. *First.* The decree shall specify the number of the appeal and the names of the parties, and shall recite the judgment of the lower court, or such part thereof as is appealed against, with the grounds of appeal; in all other repects it shall conform as nearly as possible to the rules contained in Section LX. of this Regulation, Clauses Second, Third, Fourth, and Fifth.

if it occasions the suit to be returned for trial anew, notice to be given the parties,

Second. If the decree of the court below should have disposed of the suit, either wholly or in part, without investigating the merits, upon the ground of the jurisdiction not having been proved, the period of limitation having been exceeded, or other preliminary objection, and such decree should be reversed by the decree in appeal, the superior court shall apprize the parties that the suit will be remitted for hearing to the court below, and shall cause the papers in the suit, together with a copy of the decree in appeal, to be transmitted to such lower court, with directions to proceed in the investigation of the merits of the suit, and pass a decree therein according to the Regulations.

and the suit shall as far as possible hold its original situation.

Third. The suit shall occupy the number under which it was originally filed, and all advantages depending upon the period of its institution shall, as far as possible, be secured to the parties concerned.

Sudder Dewanny Adawlut's decree, in what languages to be written,

XCV. *First.* The decree of the Sudder Dewanny Adawlut shall be in English, but shall have annexed or subjoined a translation in the language of the zillah in which the suit was originally tried. See Act XII. 1843.

how signed and sealed,

Second. It shall be signed by the judges who were present when the decree was passed, and be sealed with the seal of the court.

and executed.

Third. The decree shall be executed under the authority of the judge of the zillah in which the suit was originally tried, in the same manner as a decree of his own court.

CHAPTER XX.

OF THE REVISION OF DECREES PASSED IN APPEAL.

Revision of decrees in appeal, how competent.

XCVI. It shall be competent to the court that has tried an appeal to receive and consider applications for a review of its decree, in conformity with the rules contained in Section LXXI. of this Regulation, the application, when made to the Sudder Dewanny Adawlut, being finally decided upon in all cases by that court.

CHAPTER XXI.

OF APPLICATIONS TO THE SUDDER DEWANNY ADAWLUT IN INCIDENTAL COMPLAINTS.

Rejection of appeals by the judge may be appealed against to the Sudder Dewanny Adawlut.

XCVII. *First.* It shall be competent to the Sudder Dewanny Adawlut, if applied to by the party, to admit a petition of appeal against the decree, whether of a zillah judge, or of any inferior court, which the zillah judge may have rejected, as having been presented after the limited period, or on any other ground.

The petition of appeal, how to be accompanied;

Second. In such cases the application shall be accompanied by authenticated copies of the decree, of the petition which was rejected, and of the entry in the minutes of proceedings of the zillah judge, containing the reasons for its rejection; or by a declaration upon *oath*, or otherwise, as the court may require, that such copies were applied for, and not obtained.

how admitted, and proceeded in.

Third. If, on inquiry, it appears that the petition of appeal was rejected upon insufficient grounds, or that other circumstances require that it should be admitted, it shall be competent to the Sudder Dewanny Adawlut, if the rejected appeal was to that court, to admit it, and call for the proceedings in the suit, and if it was to the zillah judge, to enjoin him to admit it, and proceed as in ordinary cases.

The Sudder Dewanny Adawlut competent to receive complaints in other matters against judges,

XCVIII. *First.* It shall also be competent to the Sudder Dewanny Adawlut to receive complaints against a zillah judge, for refusing to file an original suit, for neglecting to proceed in a suit already filed, or for refusing to receive, or neglecting to proceed in, an application in any suit or matter that has been decided.

and to issue the requisite orders.

Second. And on proof of the facts alleged, the Sudder Dewanny Adawlut may enjoin the zillah judge to receive or proceed in such suit or application as in ordinary cases.

CHAPTER XXII.

OF SPECIAL APPEALS.

Special appeals from decrees, under what circumstances competent to the Sudder Dewanny Adawlut, *and the zillah judge.*

Modified by Reg. VII. 1831, and Act III. 1843.

XCIX. *First.* If in a suit or appeal not ordinarily appealable to the Sudder Dewanny Adawlut, a decree is passed in any Zillah Court, which appears on the face of it to be contrary to or unwarranted by the Regulations, which appears to be inconsistent with the general usage of the country, or with the Hindoo or Mahomedan law, in questions depending on such law, or if the decree involves some point of general interest or importance not before decided by the Sudder Dewanny Adawlut, or if strong probable grounds of grievance exist, from whatever cause, it shall be competent to the Sudder Dewanny Adawlut to admit a special appeal in the case: [*it shall in like manner, and under the same circumstances, be competent to the zillah judge to admit special appeals from decrees passed in appeal by the senior assistant judge.*]

also against orders.

Second. In like manner, if in the course of any judicial proceeding an order is passed in the inferior court, which, by not relating to the merits of the case in general, is not regularly open to correction, by means of

appealing against the decree, it shall be competent to the court by which an ordinary appeal in the suit from which the said order originated is cognizable to admit a special appeal from such order.

The petition, what to contain, when to be presented,

Third. The petition of appeal shall state the specific ground upon which the appeal is solicited, and shall be presented within the period limited for a regular appeal to the *respective* authority to whom it is preferred.

and how accompanied;

Fourth. The petition shall be accompanied by an authenticated copy of the decree, or order, or by a declaration upon *oath*, or otherwise, as may be required, that such copy was applied for, and not obtained.

Modified by Reg. VII. 1831, and Act III. 1843.

reasons for admitting the appeal to be recorded, and the requisite orders issued to the inferior court:

Fifth. If, on consideration of the case, the court admits the appeal, the reasons for admitting it shall be entered on the minutes of proceedings, and such order be transmitted for the guidance of the inferior court as the case may require,

appellant when and how punishable by the Sudder Dewanny Adawlut.

Sixth. And if, on investigation, the appeal appears to have been made groundlessly, or for vexatious purposes, the court may fine the appellant, in conformity with the rules contained in Section LIII. of this Regulation.

CHAPTER XXIII.

OF APPEALS TO THE KING IN COUNCIL.

Appellants to the King in Council may at their option present a petition to the Sudder Dewanny Adawlut,

C. *First.* If a party is desirous of preferring an appeal to the King in Council, and requires the assistance of the court for obtaining security from the other party for staying execution of the decree that has been passed, or for any other purpose, he shall present his petition of appeal to the Sudder Dewanny Adawlut, within six calendar months from the date of the decree appealed against.

See Act XI. 1839.

which court will give notice to the other party,

Second. On receipt of the petition, the Sudder Dewanny Adawlut shall forthwith cause notice to be given to the other party, that the petitioner has preferred an appeal to the King in Council.

and stay execution of the decree in proportion to the security furnished,

Third. The Sudder Dewanny Adawlut, if applied to, may either order the decree appealed against to be enforced, taking sufficient security for the performance of such order or decree as his Majesty, his heirs or successors, may make on the appeal; or it may direct, on similar security being found, that no order for enforcing the decree shall be issued pending the appeal, and that, if any such order has been issued, it shall, so far as it has not been executed, be suspended.

the appellant always finding security for costs;

Fourth. But in either case the Sudder Dewanny Adawlut shall require the appellant to find security for the payment of such costs as it may think likely to be incurred by the appeal.

further security if required, how taken.

Fifth. If, pending the appeal, the Sudder Dewanny Adawlut is applied to by either party to take further security, the court shall conform to the rules contained in Section XCIII. of this Regulation, Clauses First and Second.

Proceedings in the suit appealed to be forwarded to Government.

Sixth. The Sudder Dewanny Adawlut, on receipt of the petition of appeal, shall cause to be made two exact copies thereof, and of all the proceedings held, and orders or decrees given in the suit, including the whole of the evidence and documents translated into English, if the original documents are not in that language, and shall transmit them, under the seal of the court, and the signature of the register, to the Governor

See Act II. 1844.

in Council, for the purpose of being forwarded without delay to his Majesty in Council.

See Act II. 1844.

Seventh. Either party also, on application, may obtain one or more authenticated copies of any of the papers in the suit, on paying the reasonable expenses incurred in preparing them.

Either party may, on paying for the same, obtain a copy of any paper concerned,

Eighth. Either party, in like manner, may obtain an authenticated copy of any local regulation enacted by the Governor in Council which he may require in the appeal.

and of any local regulations.

Ninth. The decrees of the King in Council, when duly certified, shall be enforced, under the directions of the Suddor Dewanny Adawlut, by the judge of the zillah in which the suit was originally tried, in the same manner as those of his own court.

Decrees of the King in Council how executed.

Tenth. Nothing contained in the preceding clauses of this section is to be understood to bar the full and unqualified exercise of his Majesty's pleasure upon all appeals to him, either in rejecting any he may consider inadmissible, or in receiving any he may judge admissible.

His Majesty's pleasure in receiving or rejecting appeals not intended to be affected by this Regulation.

APPENDIX (A).

(See Section IV. Clause Second.)

Appendix (A).

General Register of civil suits in the court of the zillah of Ahmedabad [or as the case may be], in the year ———.

No. of the Register.	Subordinate Registry [if any].	Date on which filed.	Names of the Parties.	Nature of the Claim.	Amount.
No. 1.		1st Jan.	Herjewan Laldass *versus* Ramjee Petamber.	To recover a piece of land called Phoolchat, in the village of Goraw	Rs. 505 0 0
No. 2.		2nd Jan.	Pestonjee Kassoojee *versus* Mahomed Moideen.	Balance of account current	Rs. 47 2 75
No. 3.	No. 1 of Dholka.	3rd Jan.	Ramchunder Wissonath *versus* Jugunath Krustnajee.	Damages sustained by a breach of engagement to marry his daughter to plaintiff . . .	Rs. 801 0 0

APPENDIX (B).

(See Section V. Clause First.)

Appendix (B).

Form of original summons to defendant to appear in court if the suit is for money.

To A. B. inhabitant of ———, and ——— C. D. inhabitant of ———, and E. F. inhabitant of ———, &c.

Whereas ———, inhabitant of ———, has instituted against you in the court of ——— a suit of rupees ———, being the amount of goods furnished to you [or for

Appendix (B), *continued.*

damages for an assault or other injury committed by you, or otherwise as the case may be]; you are therefore hereby required to appear, either personally or by an authorized attorney, before ———, in the court of ———, within ——— days of your receiving this summons, to answer the complaint; in default whereof, the said suit will be heard and determined in your absence on such evidence as the plaintiff may adduce.

Dated at ——, this —— day of ——, 18—.

(Signed) By the judge,
Senior assistant judge,
Junior assistant judge,
or
Commissioner
[as the case may require].

If the suit is for possession of a particular article.

Whereas ———, inhabitant of ———, has instituted against you, in the court of ———, a suit of rupees ———, to recover the possession of a dwelling-house, situated at ——— [or, a jewel deposited with you of the value of rupees ———, or otherwise as the case may be]; you are therefore, &c.

The nazir's endorsement, upon returning the summons into court, to be as the case may require;—either

Served by the peon ——— upon the defendant A. B. personally, on the ——— day of ———, 18—, and upon the defendant C. D. personally, on the ——— day of ———, 18— ;—or

Not served upon the defendant E. F. who, after diligent search made by the peon ——— charged with the duty, could not be found.

And the following to be added in all cases:

CHARGES.

Allowance due to the peon ———, being rupees ———, for ——— days occupied in going to and returning from the town [or village] of ———, a distance of ———, at the rate of ——— per day.

(Signed) By the nazir.

APPENDIX (C).

(See Section VI. Clause First.)

Appendix (C).

Form of order to the nazir for the publication of summons, where the defendant cannot be found.

In the court of ———.

———, plaintiff,

versus

———, defendant.

To the nazir of the court.

Whereas, upon the return made on the summons in the above suit, it appears that the defendant, ———, could not be found, therefore you are hereby required to cause a copy of the said summons, and of the annexed* notice, to be fixed up in a conspicuous part of the court, and another copy of the said summons and notice to be delivered to some person belonging to the defendant's family, and residing with him, or, if none such is found, to be fixed upon the outer door of the house, or in some conspicuous part of the village, or other place in which he has generally resided.

See Appendix (D).

Dated at ——, this —— day of —— 18—.

(Signed) By the judge,
Senior assistant judge,
Junior assistant judge,
or
Commissioner
[as the case may require].

The nazir's endorsement, upon returning the above order, to be in the following form, viz. Appendix (C), *continued.*

The within order executed by fixing up a copy of the summons and notice in court, on the ——— day of ———, and by delivering another copy to ———, the wife [or as the case may be] of the defendant, and residing in his house (or, by fixing up a copy on the outer door of the house ———, or, by fixing up a copy in the market, or other conspicuous part of the village or other place in which he has generally resided, as the case may be), on the ——— day of ———, 18—.

CHARGES.

Allowance due to the peon ———, being rupees ———, for ——— days occupied in going to and returning from town [or village] of ———, a distance of ———, at the rate of ——— per day.

(Signed) By the nazir.

APPENDIX (D).

(See Section VI. Clause First.)

Form of a notice to a defendant on whom the original summons could not be served. Appendix (D).

In the court of ———.

———, plaintiff,

versus

———, defendant.

Whereas ———, inhabitant of ———, has instituted a suit against ———, inhabitant of ———, and a summons, of which the annexed is a copy, was issued, but returned into court, because the defendant could not be found: this notice is therefore to require the said ———, defendant, to appear before the court within fifteen [or more, as the case may require] days from this date, in default whereof the said suit will be heard and determined in his absence, on such evidence as the plaintiff may adduce.

Dated at ——, this —— day of 18—.

(Signed) By the judge,
Senior assistant judge,
Junior assistant judge,
or
Commissioner
[as the case may require].

APPENDIX (E).

(See Section VII. Clause Third.)

Form of warrant for bringing before the court a defendant failing to furnish security for his appearance. Appendix (E).

In the court of ———.

———, plaintiff,

versus

———, defendant.

To the nazir of the court of ———.

Whereas the plaintiff in this suit has made application to the court to take security for the defendant's appearance; you are, therefore, hereby commanded to bring the defendant forthwith before the court, unless he furnishes the security of some responsible person or persons, engaging to the extent of ——— rupees for his appearance to fulfil the decree in the said

Appendix (E), *continued.*

suit, and, in default of such appearance, to fulfil in his place whatever order or decree may be passed in the suit. Herein fail not.

Dated this —— day of ——, 18—.

(Signed) By the judge,
Senior assistant judge,
Junior assistant judge,
or
Commissioner
[as the case may require].

APPENDIX (F).

(See Section VII. Clause Third.)

Appendix (F).

Form of bond to be entered into by the security for the appearance of a defendant.

In the court of ——.

——, plaintiff,

versus

——, defendant.

Whereas, upon the application of the plaintiff, the court has required the defendant to find security for his appearance; and whereas I, ——, inhabitant of ——, have voluntarily agreed to become security for his appearance in court: Therefore I do hereby bind myself, my heirs, and executors, to the sirkar, in the sum of rupees ——, to pay such sum as may be adjudged against the said defendant, and to perform whatever order or decree may be passed against him in the said suit; provided always that the said defendant shall not have fulfilled the decree, or appeared in court when required for that purpose: as witness my hand this —— day of ——, 18—.

(Signed) By the security.

APPENDIX (G).

(Section VIII. Clause Fourth.)

Appendix (G).

Form of order for sequestering the property of a defendant before judgment.

In the court of ——.

——, plaintiff,

versus

——, defendant.

To the nazir of the court of ——.

Whereas it appears that ——, the defendant in the above suit, intends clandestinely to dispose of or remove from the jurisdiction of this court the property specified in the annexed list, for the purpose of obstructing the execution of the decree; therefore you are hereby commanded to require and take * security from the said defendant, in the sum of rupees ——, to satisfy the judgment of the court, if given against him; and if such security is not given forthwith (or before the —— day of ——, as the case may be), then to attach and keep under sequestration the property specified in the annexed list, or a part thereof, sufficient to fulfil the judgment, until further order of court.

[† And you are hereby further commanded, if security is not furnished as aforesaid, to give public notice, by reading aloud in the most public part of the town (or village, as the case may be), of —— the accompanying ‡ proclamation, prohibiting all persons from receiving by purchase, mortgage, sale, or otherwise, the immoveable property specified in the annexed list, until further order of court; and you shall further cause copies of the said proclamation to be fixed

* See Appendix (H).

† To be published when it is intended, without sequestrating immoveable property, to prohibit any alienation of it.

‡ See Appendix (I).

up on a conspicuous part of the said property in the Zillah Court, in the collector's kuchery, in the public market, or other places, as may be deemed necessary.] Herein fail not. Appendix (G). *continued.*

Dated —— day of ——, 18—.

(Signed) By the judge,
Senior assistant judge,
or
Junior assistant judge
[as the case may require].

The nazir's endorsement, on returning the order for sequestration into court, to be as the case may require;

either

Executed the within order by taking * security by the bond herewith returned; * See Appendix (H).

or,

Executed the within order by attaching the following property, viz.——, the remainder not being found;

or,

Executed the within order by attaching the moveable, and making † proclamation regarding the immoveable property, and fixing up copies as directed. † See Appendix (I).

(Signed) By the nazir.

APPENDIX (H).

(See Section VIII. Clause Fourth.)

Form of security-bond to be taken under an order for sequestration before judgment. Appendix (H).

In the court of the zillah of ————.

————, plaintiff,

versus

————, defendant.

Whereas an order has been issued for sequestering the following property of ————, defendant in the above suit, viz.

And whereas I ————, inhabitant of ————, have voluntarily agreed to become security to produce the said property, or a part thereof, sufficient to fulfil the judgment when required, therefore I do hereby bind myself, my heirs and executors, to the sirkar in the sum of —— rupees, to produce and place at the disposal of the court such property, or the part thereof aforesaid, when required; provided always, that the said defendant shall not have fulfilled the decree in the said suit.

As witness my hand, this —— day of ——, 18—.

(Signed) By the security.

APPENDIX (I).

(See Section VIII. Clause Ninth.)

Form of proclamation under an order for sequestration before judgment. Appendix (I).

In the court of the zillah of ————.

————, plaintiff,

versus

————, defendant.

Whereas an order has been issued for prohibiting the disposal of the following property of ————, defendant in the above suit, viz.

Therefore, notice is hereby given, that all persons are prohibited from receiving by purchase, gift, mortgage, or otherwise, the said property, or any part thereof, until further order of

Appendix (I), *continued.*

Court; and that no purchase, gift, mortgage, or other transfer, made after this proclamation, will be effectual to alienate the said property, or any part thereof, to the injury of the plaintiff in the above suit.

Dated this —— day of ——, 18.

(Signed) By the judge,
Senior assistant judge,
or
Junior assistant judge
[as the case may require].

APPENDIX (J).

(See Section XII.)

Appendix (J).

Form of bond in security of costs, to be taken when the plaintiff resides beyond the jurisdiction.

In the court of ————.

————, plaintiff,

versus

————, defendant.

Whereas a suit has been instituted in the court of ————, by ————, plaintiff, residing at —— in the —— of ——, against ————, defendant; and whereas it is required that the said ————, as residing without the zillah, should find security to pay the costs and obey all orders and decrees in the suit adjudged and passed, whether in the court of —— or in the Sudder Dewanny Adawlut: Therefore, I ————, inhabitant of ————, have voluntarily become security, and do hereby bind myself, my heirs and executors, &c., to the sirkar that the said————, his heirs and executors, shall pay all costs incurred, and obey all such orders and decrees as may be given in the said suit against the said ————, whether in the court of ———— or in the Sudder Dewanny Adawlut, and in default of his so doing, I bind myself, my heirs and executors, to pay all such sums as may be adjudged against him. Witness my hand at ——, this —— day of ——, 18—.

(Signed) By the security.

APPENDIX (K).

(See Section XXXII. Clause Second.)

Appendix (K).

Form of Summons for citing a witness.

In the court of ————.

————, plaintiff,

versus

————, defendant.

To A. B. inhabitant of ————, and C. D. inhabitant of ————, &c. &c. &c.

You are hereby commanded to appear at the said court on (Monday) the —— day of —— next, at —— o'clock in the forenoon, to give evidence in the above suit —— [* you are further desired to bring with you the, &c.]

Dated at ——, this —— day of ——, 18—.

(Signed) By the judge,
Senior assistant judge,
Junior assistant judge,
or
Commissioner.

* This to be added when the witness is to be informed that the suit will receive elucidation from the production of a book or other article in his possession.

The endorsement, on returning the original summons into court, to be as the case may require;

either

Served by the peon —— upon the witness A. B. on the —— day of ——, 18—;

or

Appendix (K), *continued.*

Not served upon the witness C. D. who, after diligent search by the peon —— charged with the duty, could not be found.

And the following to be added in all cases:

CHARGES.

Allowance due to the peon ——, being rupees —— for —— days occupied in going to and returning from the town (or village, &c.) of ——, a distance of ——, at the rate of —— per day.

(Signed) By the nazir.

APPENDIX (L).

(See Section XXXII. Clause Fifth.)

Form of warrant for bringing before the court a witness who has neglected to appear. Appendix (L).

In the court of ————.

————, plaintiff,

versus

————, defendant.

To the nazir of the court of ————.

Whereas ————, witness in the above cause, although duly summoned, has failed to appear, therefore you are hereby commanded to bring him forthwith before the court. Herein fail not.

Dated at ——, this —— day of ——, 18—.

(Signed) By the judge,
Senior assistant judge,
Junior assistant judge,
or
Commissioner
[as the case may require].

APPENDIX (M).

(See Section XLVI. Clause First.)

Form of proclamation, calling upon all persons, having claims as heirs, to appear in a suit. Appendix (M).

PROCLAMATION.

In the court of ————.

————, plaintiff,

versus

————, defendant.

Whereas the said ————, plaintiff, has brought a suit against the said ————, defendant, to recover possession of a sum of rupees —— (or of a dwelling-house in ——, or as the case may be), due to (or the property of) ————, deceased: This is to give notice to all persons having, or claiming to have, a title to the said sum of money (or dwelling-house) as heirs of the said ——, to appear in the said court within —— days from the date of this proclamation, there to enter and prosecute their claim.

Dated at ——, this —— day of ——, 18—.

(Signed) By the judge,
Senior assistant judge,
Junior assistant judge,
or
Commissioner
[as the case may require].

APPENDIX (N).

(See Section LXVI. Clause Second.)

Appendix (N).

Form of proclamation, intimating a sale of property.

Sale of property at ———.

In the court of ———.

———, plaintiff,

versus

———, defendant.

Whereas the said ———, on the —— day of ——, 18—, obtained a decree against the said ———, for the sum of ——, whereof —— still remains due; and whereas the following property of the said ——— has been attached for the said debt, viz.——

This is to give notice, that the said property so attached will be sold by public auction, on the —— day of ——, at the hour of —— in the forenoon, at the dwelling-house of the said ——— (or at the market-place of ———, or on the lands of ———, &c., as the case may be), unless such sale shall be objected to, either wholly or in part, by another claimant to the property, who either shall have satisfied the creditor, or the nazir (or other officer superintending the sale), of his right to the things so claimed, or who shall produce a certificate that he has filed a suit in support of his claim, or engage, under such penalty as may be imposed, to file such suit within thirty (30) days after the day advertised for the sale.

Dated this —— day of ——, 18—.

(Signed) By the nazir.

APPENDIX (O).

(See Section LXXV.)

Appendix (O).

Form of bond to be entered into by the security of an appellant.

In the court of ———.

———, plaintiff,

versus

———, defendant.

Whereas a decree was passed in the above suit on the —— day of ——, against which the said ——— is desirous of appealing to the court of ———; therefore I, as security for the said ———, do hereby bind myself, my heirs and executors, to the sirkar, that the said ——— shall pay all such costs as may be awarded against him in the said appeal, and in default of his so doing, I bind myself, my heirs and executors, to pay the said costs; as witness my hand, this —— day of ——, 18—.

(Signed) By the security.

APPENDIX (P).

(See Section LXXX.)

Appendix (P).

Form of notice to be given to the parties when an appeal is admitted.

In the court of ———.

———, plaintiff,

versus

———, defendant.

Whereas a decree was passed in the above suit by the judge (senior assistant judge, junior assistant judge, or *Commissioner*, as the case may be) of ———, on the —— day of ——, against which the said ——— has (or you have, as the case may be) applied for permission to appeal:

Take notice, therefore, that the appeal applied for has been admitted, and will be tried by the Sudder Dewanny Adawlut (or this court, as the case may be).

Dated this —— day of ——, 18—.

(Signed) By the judge,
or
Senior assistant judge.

Appendix (P), *continued.*

APPENDIX (Q).

(See Section LXXXI. Clause Second.)

Form of bond to be taken when execution is stayed or enforced in an appeal.

Appendix (Q).

In the court of ————.

————, plaintiff,

versus

————, defendant.

Whereas a decree was passed in the said court on the —— day of —— adjudging the said ———— to pay the sum of —— to the said —— (or to transfer to the said ———— a house situated at ———, or —— begas of land, situated at ———, or to perform certain acts, &c. as the case may be), against which decree the said ———— has appealed; and whereas it has been ordered by the said court, that the execution of the said decree should be stayed, if the said ————, the appellant (or enforced if the said ————, the respondent, as the case may be) find security in the sum of —— for the performance of the decree that may be passed upon appeal: Therefore, I ————, inhabitant of ———, have voluntarily become security, and do hereby bind myself, my heirs and executors, to the sirkar, that the said ————, his heirs and executors, shall obey and fulfil all such orders and decrees as may be given against the said ———— in such appeal, and in default of his so doing, I bind myself, my heirs and executors, to pay all such sums as the court may adjudge against him, to the extent of ——, as aforesaid. Witness my hand, at ———, this —— day of ——, 18—.

(Signed) By the security.

APPENDIX (R).

(See Section LXXXIII. Clause Second.)

General register of appeals filed in the Court of Sudder Dewanny Adawlut (or in the court of the zillah of ———, as the case may be), in the year ——.

Appendix (R).

	No. of the Register.	Original Registry.	Date on which filed.	Names of parties.	Subject of the Appeal.	Amount.	Date and abstract of decree in appeal.
Sudder Adawlut.	No. 1.	No. 9 of 18—, of Broach.	1st March.	Juggevan Moody, Appellant, *versus* Hirjee Cawajee, Respondent.	Against a decree adjudging 100 begas of land to the respondent.	Rs. 1000.	25th June. Judgment for appellant.
Zillah Court.	No. 1.	No. 157 of 18—.	25th Jan.	Laldass Petamber, Appellant, *versus* Purbhoodas Dyram, Respondent.	Against a decree adjudging payment of a bond.	Rs. 600.	3rd March. Judgment for appellant.

APPENDIX (S).

(See Section LXXXIV.)

Appendix (S).

Form of summons to parties to appear in appeal.

In the court of ————.

————, appellant,

versus

————, respondent.

To ————, appellant,
or ————, respondent
[as the case may be].

Whereas a decree was passed on the —— day of ——, in the court of ——, against which decree the said ———— has (or you have, as the case may be) appealed to the court of ——, you are therefore hereby required to appear personally, or by vakeel, on the —— day of ——, to prosecute (or defend, as the case may be) the said appeal; in default whereof the said appeal will be heard and determined in your absence.

Dated at ——, this —— day of ——, 18—.

(Signed) By the register,
or assistant register,
if in the Sudder Dewanny Adawlut,
and
By the judge,
or senior assistant judge,
if in the Zillah Court.

(BRANCH OF CIVIL JUDICATURE.)

Reg. V. 1827.

A.D. 1827. REGULATION V.

CONSISTING OF FIVE (5) CHAPTERS AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of Limitations of Time for prosecuting Civil Actions	I.
II.	Of Acknowledgments of Debts executed without Receipt of a full consideration in value	IX.
III.	Of the Rate of Interest, and the period during which it may continue...	X.
IV.	How a claim to Interest is affected by tender of Payment ...	XIV.
V.	Of the disposal of Property mortgaged or pledged	XV.

A REGULATION *defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written Acknowledgments of Debts executed without receipt of a full consideration; also regarding Interest, the tendering payment of Debts, and the disposal of Property mortgaged or pledged:*—PASSED *by the Governor in Council, on the* 1*st January*, 1827.

Preamble.

WHEREAS it is conducive to the public security and the quieting of disputes, that limitations should be prescribed to the period within which

civil suits may be instituted; and whereas justice, the interests of trade, and the easy and secure transaction of money dealings require that the effect of written acknowledgments of debts, when the receipt of a full consideration is contested, should be defined and made known, and that certain provisions should be framed for the calculation of the interest of money, and for limiting the amount thereof, and for determining the effects of tenders of payment, and the rights of parties concerned in property mortgaged or pledged:—the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

OF LIMITATIONS OF TIME FOR PROSECUTING CIVIL ACTIONS.

I. *First.* Whenever lands, houses, hereditary offices, or other immoveable property, have been held without interruption for a longer period than thirty years, whether by any person as proprietor, or by him and his heirs, or others deriving right from him, such possession shall be received as proof of a sufficient right of property in the same.

Possession of land, &c. for more than 30 years, a good title,

Second. But it shall be a sufficient answer to the plea of the possession for more than thirty years, that the person in possession as proprietor, or any of the persons by whom he derives his right, acquired such possession by fraudulent means, on proof whereof a suit may be entertained at any period within sixty years.

unless such possession was acquired by fraudulent means;

when it may be disturbed within 60 years,

Third. Provided that if such property has been held for more than thirty years by a person or persons bonâ fide believing his or their title as proprietors to be good, such title shall not be affected by the fraud of a former possessor.

except possession without fraud has extended to 30 years,

Fourth. Nothing contained in this section shall bar an action of damages brought within sixty years against any of the persons by whom the fraud was committed.

when the person who committed the fraud is liable for damages within 60 years.

II. *First.* In all suits for damages on account of assaults, imprisonment, or other direct insult or injury to the person, it shall be a sufficient defence that the cause of action arose more than twelve months before the suit was filed.

Direct insult and injuries to the person actionable only within 12 months;

Second. And in all suits for damages on account of calumny or slanderous words, it shall be a sufficient defence that the plaintiff had been in the knowledge of the calumny or slanderous words more than twelve months before the suit was filed.

also calumny and abuse;

Third. In all suits for recovering the right of participation in caste communications and privileges, it shall be a sufficient defence that the plaintiff had been acquainted with his exclusion from the caste more than twelve months before the suit was filed.

also exclusion from caste.

III. *First.* In all civil suits for debts not founded upon, or supported by, an acknowledgment in writing, and in all suits for damages other than those specified in the preceding section, it shall be a sufficient defence that the cause of action arose more than six years before the suit was filed.

Suits for debt not supported by a writing, and all suits for damages not previously specified, competent only within six years.

How reckoned in running accounts.

Second. But in the case of running accounts, the time shall be reckoned from the date of the last transaction.

All suits not previously specified, competent within 12 years.

IV. In all suits not falling under any of the limitations in the preceding sections of this chapter, it shall be a sufficient defence that the cause of action arose more than twelve years before the suit was filed.

Special exception in the case of actions against the Thakoor of Bhownuggur,

for immoveable property;

and on any other ground.

V. *First.* But in all cases in which actions may be brought against the Thakoor of Bhownuggur for lands or other immoveable property, as specified in Section I. Clause First, it shall be a sufficient answer that he acquired such previously to the 31st December, 1802, and has since held possession of the same under a title conferring a bonâ fide right of property.

Second. No other demand whatever against the Thakoor of Bhownuggur, which is of a date prior to the 20th July, 1815, is cognizable in the courts of justice, even though the case should be a running account, and transactions should have occurred in the same subsequently to the above specified date.

With which exception, suits are competent against him.

Third. Subsequent to the date specified in the two preceding clauses, all actions against the Thakoor of Bhownuggur shall be subject to the usual limitations.

Special mode of calculating periods of limitations in the cases of creditors of ryots of the old Broach Zillah.

VI. And whereas from certain circumstances the creditors of ryots in the old Broach Zillah did not enjoy the same facility as others in obtaining a hearing of their cases until 7th April, 1824, the period of time which has elapsed since the institution of the Broach Adawlut to the said 7th April, 1824, shall be rejected in calculating the periods of limitation as prescribed in Sections III. and IV., within which those suits, in the cases of those individuals, may be heard and determined.

Mode in which periods of limitations are to be reckoned,

if the justice of the demand was admitted;

or if investigation had been commenced, and the absence of a decision is satisfactorily explained;

or if the plaintiff was a minor or insane,

when six years shall be allowed at all events from his minority or recovery, or from his death.

VII. *First.* If, however, a defence be rested on any limitation of time heretofore specified in this chapter, and the claimant prove that the defendant, or person from whom he derives right, had admitted the justice of the demand, then the time of limitation shall be reckoned from the date of such admission, provided that if the demand be founded on a written acknowledgment of any sort, the admission, if it shall have been made subsequently to the date which shall be fixed for the commencement of the operation of this Regulation, must also be in writing.

Second. Also if the claimant have within the time of limitation preferred his claim to any authority (arbitration included) competent to try it, and satisfactory reason be shown why a decision was not passed (such reason nowise affecting the justice of the demand), then the period of limitation shall be reckoned from the date of the last proceeding known to the defendant in such case.

Third. And in cases of the minority or continued insanity of the claimant, no limitation shall bar the recovery of a claim sued for within six years of the minor attaining the age of eighteen years, or the insane person recovering the use of reason; and if a claimant die during such minority or insanity, the said period of six years from his death shall be applied to suits entered by his heirs or executors.

Fourth. Except in actions for damages, as described in Section II. of this Regulation, in which cases a period of only one year shall be allowed instead of the period of six years recited in the preceding clause.

except in certain suits for damages, for which one year only is allowed.

VIII. *First.* If a person claim to recover property held in mortgage, pledge, pawn, or deposit, or by other title conferring only a right of possession, and not a right of ownership, in such case no length of time shall prevent the court's entertaining the suit.

Mortgaged property always recoverable;

Second. But should such property have been held, if immoveable, for more than thirty years by a bonâ fide possessor as proprietor; or if moveable, for any time by a person possessing bonâ fide as proprietor, under a right founded on an equitable consideration, such possessor shall not be disturbed, though an action of damages may be entertained against the person by whom it was illegally alienated.

unless held in bonâ fide ownership for more than 30 years, if immoveable property, or any period if moveable, when the first alienator may be sued.

CHAPTER II.

OF ACKNOWLEDGMENTS OF DEBTS EXECUTED WITHOUT RECEIPT OF A FULL CONSIDERATION IN VALUE.

IX. *First.* Written acknowledgments of debt in any shape shall not be held conclusive in a court of law as to the amount, if the defendant show that a full consideration has not been received.

Writings in cases of debt not full proof of the amount, if contrary proof is advanced;

Second. And in the case of a cultivator of the soil, sued upon a written acknowledgment executed at a place which was not at the time of such execution under British jurisdiction, if the circumstances are such as to convince the court that the creditor might reasonably be expected to possess other proof of the amount besides such written acknowledgment (the consideration received for the same being contested), then the said writing shall not be held conclusive as to the amount, whether the defendant prove a deficiency in the consideration or not, but the court shall pass a decree for only such amount as the claimant may otherwise prove to be due.

and in certain cases, if merely contested by the defendant.

CHAPTER III.

OF THE RATE OF INTEREST AND THE PERIOD DURING WHICH IT MAY CONTINUE.

X. *First.* Whenever in any transaction a certain rate of interest has been agreed upon, or is demandable by the usage of trade, or the custom of the country, such rate of interest shall be lawful and binding upon the parties.

Lawful interest to be such as is agreed upon or is usual;

Second. Whenever, in any transaction on which interest is due, no certain rate has been agreed upon or is demandable by the usage of trade or the custom of the country, three quarters per centum per each month of thirty days shall be the judicial interest or rate allowed in courts of civil judicature.

or if such cannot be ascertained, then 9 per cent. per annum.

XI. In all transactions on which interest is due, whenever the debt or account is of more than one year's standing, compound interest shall be allowed where there is no special agreement or usage to the contrary, and

Compound interest allowed after one year, if the contrary is not agreed upon;

in such case the balance, including simple interest due at the Dewalee or other customary period of settlement in each year, shall be carried forward to the next year's account as a principal sum bearing interest.

but to cease after an interval of six years;

XII. Whenever, for the space of six years complete, no transaction has taken place in regard to a debt or account, whether by payment of money or delivery of goods made on either side, or by the debtor signing an account made up with interest, or making written acknowledgment that interest is to continue, all further interest shall cease; and it is hereby explained that this Regulation is not meant to interfere with the rule of Hindoo law, which limits the interest of money to the amount of the principal, and which shall accordingly be maintained by the courts in all applicable cases.

the Hindoo law on the interest of money being also maintained.

Specification of prior enactments on the subject of interest;

XIII. *First.* Whereas by Sections VI. and VII. of Regulation I. A.D. 1814, passed on the 12th January of that year, for determining "the rate of interest on money in the provinces subject to the presidency of Bombay," which Regulation has subsequently from time to time been extended to certain of the territories more recently acquired, it was provided, "that bonds or instruments which may appear to have been given after the expiration of twelve months subsequently to the issue of this Regulation, for the security and evidence of debts, and bearing a higher rate of interest than twelve per centum per annum, shall not be recoverable in the courts of Adawlut; and that where suits may be prosecuted on bonds or instruments given prior to the issue of this Regulation, the courts of Adawlut shall not decree the adjustment of such debts at a higher rate of interest than twelve per centum per annum."

and application of them to territories subsequently acquired.

Second. And whereas principles of equity and the spirit of the Regulations require that the penal effects of the provisions above recited should not commence, with regard to the territories more recently acquired, until the expiration of twelve months subsequently to the passing of the Regulations extending the said provisions to each portion of the territory respectively:

Provision resulting from such specification and application.

Third. Therefore it is hereby declared, that whenever a suit is instituted for the recovery of a debt due on a bond or other instrument executed prior to the 12th of January, 1815, in the territories specified in Appendix (A), or in the territories enumerated in Appendix (B) prior to the dates therein specified, as applicable to each portion of the said territories respectively, the court shall not decree interest on such debt at a higher rate than twelve per centum per annum, and that no debt due on a bond or other instrument executed in the said territories on or after the said dates respectively, and prior to the date which shall be fixed for the commencement of the operation of this Regulation,* shall be recoverable in any court, if it bear a higher rate of interest than twelve per centum per annum.

* 1st September, 1827; see Regulation XXVIII. 1827.

CHAPTER IV.

HOW A CLAIM TO INTEREST IS AFFECTED BY TENDER OF PAYMENT.

XIV. If a debtor can prove that he has tendered to a creditor the whole or any portion of the amount due, all further interest shall cease on the amount tendered.

Interest ends upon a tender made.

CHAPTER V.

OF THE DISPOSAL OF PROPERTY MORTGAGED OR PLEDGED.

XV. *First.* When a creditor is placed in possession of property by mortgage or otherwise, as security for a debt, his claim over such property shall, in the absence of other special agreement, constitute his sole security for payment of the debt, or such part of it as the said property may have been given in security for, and interest thereon is to be considered as included in the said security.

Mortgaged property, if not otherwise agreed, is sole security for the debt, principal and interest.

Second. If the property yield profit, and no stipulation has been made respecting the disposal of the said profit, or payment of interest on the debt, the profit shall be considered as equivalent for the interest.

Any profit from such property in such cases to be reckoned in lieu of interest.

Third. In the absence of any special agreement or recognized law or usage to the contrary, either party may at any time, by the institution of a civil suit, cause the property to be applied to the liquidation of the debt, the surplus, if any, being restored to the owner.

Either party, unless otherwise agreed, may cause the debt to be defrayed from the property.

APPENDIX (A).

Appendix (A).

Territories within which bonds or other instruments bearing a higher rate of interest than 12 per cent. per annum, if executed prior to the 12th January, 1815, can recover in the courts interest at the rate only of 12 per cent. per annum, and if executed on or after the above-mentioned date, and prior to the date which may be fixed for the commencement of the operation of Regulation V. A.D. 1827, are not recoverable in any court.

SURAT ZILLAH.

TERRITORY.

The city and port of Surat, and town of Randier and their dependencies.

The pergunnahs of Chowrassee, Chiklee, Bulsar, Parneira, Bhoutsur, Parchol, Soopa, Surbhan, Walor, and Boharee.

The kusba of Bardolee, and the villages of Kutturgaum, Koomareea, and Phoolpara.

BROACH ZILLAH.

The town and pergunnah of Broach, and the pergunnahs of Hansoot and Oklasur.

EASTERN ZILLAH, NORTH OF THE MYHEE.

The enam town of Kaira and its dependencies, the tuppa of Naupar, and the pergunnahs of Neriad, Mahtur, Moondha, and Dholka, to the east of the Saburmutty river.

WESTERN ZILLAH, NORTH OF THE MYHEE.

The pergunnahs of Dundooka, Gogo, Ranpoor, and Dholka, to the west of the Saburmutty river.

ZILLAH OF THE NORTHERN KONKAN.

The islands of Salsette and Caranjah, and their dependencies.

ZILLAH OF THE SOUTHERN KONKAN.

Fort Victoria and its nine (9) dependent villages, the fort and island of Sindoodroog, in Malwan, the forts of Pudunghur, Rajkot, and Serjeekot, with their dependent villages and lands, and the fort and valley of Vingorla.

APPENDIX (B).

Appendix (B). TABLE showing the territories rendered subject to the Regulations at various periods, subsequent to the passing of Regulation I. A.D. 1814, the Regulation or other authority causing such application of the Regulations, and the date, being one year after the date of such authority, from which in each case the provisions of Sections VI. and VII. Regulation I. A.D. 1814, become of force, in the same way as from the 12th January, 1815, in respect to the territories specified in Appendix (A).

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced operation.
	SURAT ZILLAH.	
Reg. I. of 1817 - -	The pergunnah of Currode - -	23rd April, 1818.
Reg. III. of 1819 - -	The pergunnahs of Bugwarra and Turkeyar. The kusba of Mota in Surat Attaveesy. The village of Mugdula, with some adjoining lands of the village of Peeplod. The pergunnah of Oolpar.	14th April, 1820.
	BROACH ZILLAH.	
Reg. VI. of 1817 - -	The pergunnahs of Jumbooseer, Ahmod, and Dejbara.	27th Aug. 1818.
	EASTERN ZILLAH, NORTH OF THE MYHEE.	
Reg. I. of 1817 - -	The pergunnah of Kupurwunj - - The tuppah of Bhulej. The four (4) villages of Sundana, Antroly, Wasna, and Kurnej.	23rd April, 1818.
Reg. III. of 1819 - -	The pergunnahs of Mahmoodabad, Alenah (except the two villages of Nikol and Sanoda), Antroly, Tasra, and Duskuroee to the east of the Kharee river. The Paishwa's share of the Petlaud pergunnah. The town of Oomrut.	14th April, 1820.
	WESTERN ZILLAH NORTH OF THE MYHEE.	
Reg. III. of 1819 - -	The city of Ahmedabad - - - The Duskuroee pergunnah to the west of the Kharee river. The pergunnahs of Veerumgaum and Purantej. The two (2) villages of Nikol and Sanoda, in the Alena pergunnah. The Paishwa's share of the districts of Byar, Hursol, and Morassa.	14th April, 1820.
	ZILLAH OF THE NORTHERN KONKAN.	
Reg. VI. of 1817 - -	The districts of Bellapoor, Autgaum, and Kalian, and all the other territories of the Paishwa Bajee Row extending north of those districts as far as the Demaun river, and lying between the Ghauts and the sea.	27th Aug. 1818.

Appendix (B), *continued.*

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced operation.
	ZILLAH OF THE NORTHERN KONKAN—*continued.*	
Reg. III. of 1819 - -	The territories of the Paishwa Bajee Row extending south of the districts of Bellapoor, Autgaum, and Kalian, as far as the Apta river, and lying between the Ghauts and the sea, with the exception of the town of Apta, and the villages of Korulwaree and Sendapoor, in the Kurnala talooka.	14th April, 1820.
Treaty with the Colaba State.	So much of the Uoorwuleet turuf, north of the Apta, as belonged to the state of Colaba, with the exception of the following ten (10) villages and twenty-five (25) khars. *Villages.*—Woolvie, Turghur, Dapolee, Kopur, Pohee, Parengur, Koondeywal, Masor, Awrey, Gowan. *Khars.*—Nandaee Neemba, Khar Wasunee, Hurrichundur Peemplee, Kuljee Gobur, Boorey Boozoorg, Band Khar, Khat Khar, Waltee, Mhalaee, Sonkhar, Bhángaree-boozoorg, Rel Khar, Pond Khar, Shemptee, Waltee, Danwacha-kota, Chikkee-bhom, Mootee Khar, Ranjun Khar, Hurischundur-kota, Gowendee, Boree-khoord, Boree-cha-kota, Kopur, Pota-cha-moonh. So much of the Toongartun Muhal, north of the Apta, as belonged to the state of Colaba, with the exception of the village of Wat. The four (4) villages Tulowery, Chandajee, Goorvey, and Nurol, in the Vuredy turuf. The two (2) villages Dewroog and Khurwar-boozoorg, in the Soonalee turuf. The village Amburjey, in the Shery turuf. The village Ambolee, in the Burey turuf. The three (3) villages Nitaley, Nourey, and Khyruney, in the Tulozeh turuf. The three (3) villages Kampolee, Dewkur, and Bhanwuj, in the Bortee turuf.	6th June, 1825.
	ZILLAH OF THE SOUTHERN KONKAN.	
Cession by the Waree State.	The actual possessions of the Waree state in Wurar and Muloondee.	29th Jan. 1815.
Reg. III. of 1819 - -	The territories of the Paishwa Bajee Row bounded on the north by the Apta river, and on the south by the Karlee or Malwan river, and lying between the Ghauts and the sea, with the four (4) following exceptions :—	14th April, 1820.

Appendix (B), *continued.*

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced operation.
	ZILLAH OF THE SOUTHERN KONKAN—*continued.*	
	1st. The Oonderee talooka, except the village of Khar Dolvie, which village belongs to the zillah. 2nd. The three (3) following villages in Chawool; viz. Waolee, Karley, and Komproolee. 3rd. The five (5) following warees in Chawool and Thul; viz. Pakaree Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Veesajee Keshow, and Wursoolee. 4th. The oarts belonging to and situated without the walls of the fort of Rewdunda.	
Reg. III. of 1820.	The nine (9) following sea-coast villages in the turufs of Ajgaum and Paut, viz.:— OF AJGAUM: Raree, Arowlee, Seerodee. OF PAUT: Dabolee, Kanolee, Keyloos, Mahapun, with the adjoining fort of Newtee, Konchuree, Purolen.	17th May, 1821.
Treaty with the Colaba state.	So much of the Toongartun turuf, situated south of the Apta river, as belonged to the state of Colaba, with the exception of the village of Khurree-boozoorg. The two (2) villages Wurerec and Shetolee, and the four (4) Khars, Sonkhar, Dhadur Khar, Dubaba and Dolvie Khar, in the Humrapoor turuf.	6th June, 1825.

(BRANCH OF CIVIL JUDICATURE.)

Reg. VI. 1827.

A.D. 1827. REGULATION VI.

A REGULATION *for admitting Persons to sue or defend in Suits or Appeals in formâ pauperis:* PASSED *by the Governor in Council, on the* 1*st January,* 1827.

Preamble.

WHEREAS it is necessary that provision should be made to enable certain persons to sue or defend in suits or appeals in formâ pauperis, who, from their indigent circumstances, would not otherwise have the means of

asserting their rights in courts of justice;—the following rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

I. *First.* Whenever a person is desirous of instituting a suit in any court as a pauper, he may present to the zillah judge a petition on unstamped paper, which shall contain the particulars required by Regulation IV. A.D. 1827, Section III. in regard to plaints.

A person wishing to sue as a pauper, to present to the judge a petition on unstamped paper,

Second. He shall at the same time present a declaration in writing, on unstamped paper, that, besides his dwelling-place, clothes, tools, and other necessaries of a value not exceeding twenty rupees in the whole, he is not possessed of sufficient property to enable him to pay the probable expenses of the suit.

with a written declaration of poverty on unstamped paper,

Third. The declaration shall be accompanied by a schedule of the whole of the property, moveable or immoveable, belonging to the petitioner, with the estimated value of such property.

and a schedule of his property,

Fourth. It shall further be accompanied by a certificate of the patel of the village in which the petitioner resides, or of one of the principal revenue or other officers of the district, or of some other person of respectability, purporting that such patel, district officer, or other person, believes the facts stated in the declaration to be true; but the judge may dispense with the certificate, if satisfactory reasons are assigned for its not having been obtained.

and a certificate to support such declaration and schedule.

II. *First.* The judge, on receiving the plaint, if he does not consider that the facts alleged constitute a reasonable ground for instituting a suit, shall reject it; but otherwise, he shall require the petitioner to verify his assertion both as to his claim and to his poverty, *either upon oath or* by a solemn declaration, after being judicially admonished, and shall demand such further explanations from him, under the like sanction, as he may deem requisite.

The judge may reject the application,

or call upon the petitioner to verify his assertion of poverty;

Second. The judge shall further fix a day (of which at least ten days' previous notice shall be given both to the petitioner and to the person complained against) for receiving, either before himself, one of his assistants, or one of the law officers of the court, such evidence as the petitioner may adduce in proof of his poverty, and such objections and evidence as the adverse party may offer to disprove it.

a day being appointed for the investigation thereof;

Third. The investigation may be conducted in a summary manner, without reducing the evidence to writing, and may proceed, whether the person complained against appears or not.

to be conducted in a summary manner, and whether the defendant appears or not.

III. *First.* If the investigation shall establish the fact of the plaintiff's poverty, the court shall admit him to sue as a pauper.

If the poverty is proved, the petitioner may sue as a pauper.

Second. But no person shall be permitted to sue as a pauper if it appears that, besides his dwelling-place, clothes, tools, and other necessaries to the value of twenty rupees in the whole, he possesses property sufficient to defray the probable expenses of the suit, or that he has sold, mortgaged, or otherwise transferred any property for the purpose of being admitted to sue as a pauper.

Restriction of the admission of persons to plead as paupers.

IV. If the application of the petitioner is granted, the suit may be filed,

Pauper suits conducted like others, but

without expense to the pauper.

and shall proceed, in the same way as an ordinary suit, excepting that the whole subsequent proceedings and pleadings on the part of the plaintiff, and the copies of any papers furnished to him in the suit, shall not be required to be upon stamped paper, and that he shall not be subjected to any charge for batta to peons, expenses of witnesses, fees of pleaders, or otherwise, either on account of the suit, or for obtaining execution of the decree.

Who is to be allowed a pleader.

V. If a person admitted to sue as a pauper is unable to prevail on any of the authorized pleaders to undertake the management of his suit, the judge, if applied to, may appoint any one of them to do so.

The pauper's expenses how defrayed,

VI. Such part of the expenses of the suit which would have been incurred by the plaintiff if he had not been a pauper, as may be due to individuals not on the establishment of the court, shall, if not paid by the pauper, be discharged by the collector, upon certificate under the signature of the judge.

recorded,

VII. On the conclusion of the suit, the whole of the costs which would have been incurred by the plaintiff, had he not been admitted to sue as a pauper, shall be ascertained and entered in the decree.

and recovered when the decree is in favour of the pauper.

VIII. If the decree is in favour of the plaintiff, the costs, or such part of them as the court may decree, shall be recovered from the defendant for the benefit of the Government, the pleader, and other parties entitled thereto, and, in all cases, the sum first recovered shall be applied to the payment of costs. See Act 1. 1846.

The same being recoverable from him under the ordinary rules when the decree is against him.

IX. If the decree is against the plaintiff, the defendant, if payment of costs is awarded, may proceed against the plaintiff under the ordinary rules for the enforcement of decrees.

A person wishing to defend as a pauper, to present to the court a petition, &c. on unstamped paper.

X. *First.* If a defendant in a suit is desirous of pleading as a pauper, he shall present to the judge a petition on unstamped paper, setting forth his request, and containing the declaration specified in Section I. Clause Second: the petition shall further be accompanied by the papers specified in Clauses Third and Fourth of the above-quoted section.

The poverty to be verified, and the application disposed of as in the case of a plaintiff.

Second. The judge, on receiving the petition, shall require the petitioner to verify the declaration in the manner prescribed in Section II. Clause First, of this Regulation, and the application shall thereupon be proceeded on, in the manner prescribed in Clauses Second and Third of the same section.

The defendant to plead in the same way.

Third. The defendant, if admitted as a pauper, shall be entitled to the same privileges, and be subject to the same rules and provisions, that apply to the case of a pauper plaintiff.

Pauper appellants and respondents admitted under the previous rules,

XI. *First.* A person may also be permitted to sue or defend in appeal as a pauper, under the rules respectively applying to plaintiffs and defendants in original suits; but, if the appeal be to the Sudder Dewanny

except that the Sudder

Adawlut, the respondent may, at his option, present his petition to be

admitted as a pauper either to the Sudder Dewanny Adawlut, or to the zillah judge, by whom it shall be transmitted to the superior court.

Dewanny Adawlut admits respondents in that court.

Second. If the appellant or respondent was recognized as a pauper in the original suit, he may be admitted to plead in the appeal also as a pauper, without further investigation, unless cause is shown to the contrary.

Paupers in original suits admitted as such in appeal, unless good cause be shown to the contrary.

XII. It shall be competent to the Sudder Dewanny Adawlut, if applied to, and after due investigation, to direct a person to be admitted to sue or defend as a pauper in any suit or appeal, although his application may have been refused by the zillah judge.

The Sudder Dewanny Adawlut may direct compliance with applications.

XIII. A petitioner applying to be admitted to sue or defend as a pauper, who, after being *sworn or* judicially admonished, is guilty of wilful falsehood, shall be liable to the pains of perjury.

A false plea of poverty to be punished as perjury,

XIV. Nothing contained in this Regulation shall be understood as exempting a plaintiff suing as a pauper, from the penalties enacted in Regulation IV. A.D. 1827, Sections LIII. and LVI. and intervening sections, against persons instituting groundless and vexatious suits.

and groundless and vexatious suits punishable under the ordinary rules.

(BRANCH OF CIVIL JUDICATURE.)

A.D. 1827. REGULATION VII.

Reg. VII. 1827.

CONSISTING OF THREE (3) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of the appointment of Arbitrators for adjusting Disputes of a Civil nature	I.
II.	Of the Proceedings of Arbitrators	IV.
III.	Of making, executing, and appealing from Awards	VIII.

A REGULATION *to facilitate the amicable Adjustment of Disputes of a Civil Nature by means of Arbitrators (a Punchaet)*: PASSED *by the Governor in Council, on the 1st January*, 1827.

WHEREAS it is desirable, for the easy and amicable settlement of disputes of a civil nature, that the parties should have the means of adjusting them by arbitration, without being obliged to resort to a court of law, and that an award duly pronounced in such arbitration should have the force of a decree of court; and whereas it is desirable, that, even after a suit has been instituted, the parties should have the means of submitting the matters in dispute, or any part thereof, to arbitration, and that the decree of the court should be passed in conformity with the award of the arbitrators;—the following Rules are therefore enacted, to take effect from

Preamble.

such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

OF THE APPOINTMENT OF ARBITRATORS FOR ADJUSTING DISPUTES OF A CIVIL NATURE.

All matters which may be grounds of action may be referred to arbitrators,

I. *First.* Any such matter of dispute as is cognizable in a civil court may, for the purposes specified in this Regulation, be referred, by mutual consent of the parties, to one or more arbitrators, chosen in such manner as may be agreed on by the said parties.

even if a suit is pending, and any detached point may be so referred.

Second. And if an action at law have already been commenced, it shall not prevent the parties from resorting to arbitration at any stage of the suit, and they shall be at liberty so to refer the whole, or any part of the matter in dispute, or any point of which proof may be required in elucidation of the question.

All amicable adjustment of disputes encouraged; but arbitration awards according to enactment open to particular consideration.

Third. It is clearly to be understood, that nothing contained in this Regulation is meant to prohibit or discourage amicable adjustments, though made in a way different from that herein prescribed, provided that such adjustments shall not be entitled to the consideration conferred on arbitration awards by virtue of this Regulation.

No one compellable to act as arbitrator,

except a patel or revenue officer,

II. *First.* No person shall be compelled to act as arbitrator, except he be acting as head of a village, or hold some office in the revenue department, either directly or indirectly productive of profit, in which case he shall not be at liberty to decline acting on a deed of reference according to the form in Section III., tendered by parties residing within the limits over which his office extends, whether he be appointed sole arbitrator or member of an arbitration punchaet.

or *commissioner*,

who is to receive a fee.

Second. And except a *commissioner for deciding civil suits*, who shall not be at liberty to decline acting when appointed sole arbitrator by deed of reference as above said. But he shall be entitled, before commencing the investigation, to a fee of the same amount as he would have received had the matter been tried before him as a regular suit, or if the amount at issue be greater than he may be authorized so to try, then to a fee equal to the highest which he is authorized to receive as *commissioner*.

After the choice of arbitrators, a deed of reference to be passed, containing all requisite particulars.

III. *First.* When the choice of the arbitrator or arbitrators has been made, the parties shall execute a deed of reference, which may be upon unstamped paper, showing the names of the arbitrator or arbitrators, the nature and extent of the matter referred, the date of reference, the time within which the award is to be given, the signatures of the parties, and of two witnesses, and the consent of the parties to abide by the award, with any conditions that may be involved, such as whether the decision of a majority is to be conclusive, whether an umpire is to be appointed, &c.

The form in Appendix (A) need not be followed, but its substance must be given.

Second. A form of a deed of reference is annexed for public convenience in Appendix (A), but it is hereby explained that it is not requisite that a deed of reference should be framed according to this form, provided only that it contain the matter, and be framed according to the rules specified in the preceding clause.

CHAPTER II.

OF THE PROCEEDINGS OF ARBITRATORS.

IV. *First.* Arbitrators shall adopt such mode of inquiry and proof as may appear to them most conducive to ascertain the matters referred to them, and if a deed of reference has been delivered to them, in conformity with the provisions of the preceding section, shall be entitled to assistance in conducting the investigation as follows:—

Arbitrators to conduct their inquiries as they think fit,

and to be entitled to assistance

Second. Any civil court having authority to enforce the attendance of witnesses, and administer *oaths or* declarations to them, shall employ the same at the requisition of arbitrators, to be expressed in a written petition, by the same means as if the witnesses were required in a matter before the said court, and the same rules for defraying the expenses of the witnesses and of serving the summons, and generally of procuring evidence, shall be followed; but no other costs, whether arising from stamped paper or otherwise, shall be incurred.

from the court in summoning witnesses, administering *oaths*, &c.

Third. The arbitrators or parties shall, on application to the head of the village at which any of them may reside, receive assistance from any officer acting as accountant to the village in drawing up any writing which may be required for the purposes of the arbitration.

and from tulatees in drawing up writings.

V. If either party, after due notice is given, refuse or neglect to appear before the arbitrators, it shall not preclude them from proceeding in the investigation and passing an award, if they consider that, under the circumstances of the case, the conditions of the reference would be thereby fulfilled.

Absence of either party no bar to the proceedings of the panchaet, according to its discretion.

VI. *First.* The period limited for completion of an award may be extended at the pleasure of the parties, on their expressing the same, and fixing a new period, in writing, on the deed of reference, or on a paper attached to it, but the written attestation of two witnesses shall be necessary, as originally in the deed of reference.

The period limited for the award may be extended at the desire of the parties duly attested.

Second. But if an award be not completed within the period either originally fixed in the deed of reference, or afterwards fixed according to the rules in the preceding clause, the arbitration shall be considered as cancelled, and the parties to be in the same relation as if no such arbitration had existed.

When an award is not given in time, the arbitration is cancelled.

VII. If, pending an arbitration, a suit is filed by either party, the court, on application of the other party, and on proof that the suit and arbitration relate to the same matters, and that the time for making the award has not expired, shall stay proceedings until the reference be terminated.

A suit on a matter under arbitration to lie over for the award.

CHAPTER III.

OF MAKING, EXECUTING, AND APPEALING FROM AWARDS.

VIII. *First.* The arbitration award, which may be upon unstamped paper, shall contain the names of the parties, the date of reference, the nature and value of the matter referred, and the decision made; it shall be

An award how to be drawn out, and what to contain.

dated and signed by the arbitrator, if sole, otherwise by the majority which made the award, and by the umpire, if any.

The form in Appendix (B) need not be observed, but its substance must be given.

Second. A form of an arbitration award is annexed for public convenience in Appendix (B); but it is hereby explained that attention to this form is not required, provided only that the award shall contain the matter specified in the preceding clause.

Award and reference to be given in to the Zillah Court or to a *commissioner*, within 15 days after the award is made.

Third. The award and deed of reference shall be presented and filed in the Zillah Court, or delivered to any civil *commissioner* to be forwarded to the Zillah Court for that purpose, by the arbitrators, or parties, or some one of them, within (15) fifteen days after the award is made, and they shall be accompanied by any documents which the arbitrators may consider requisite to put on record.

copies of the award having been tendered to the parties, except in case of absence, which shall then be specified.

Fourth. But previously to the award being so presented or delivered, the arbitrator or arbitrators shall tender to each party a copy of it, and the date of tender shall be specified by endorsement on the award, or if, by a party absenting himself, the tender cannot be made, the circumstance shall be noted on the award.

Notification of the filing of appealable awards to be made.

Fifth. When an award appealable under Section X. Clause First, is filed, a written notification thereof, in the language of the zillah, under the signature of the judge or assistant judge, shall be affixed to a conspicuous place in the court-room, and shall remain there until the period for appealing has expired.

Final awards considered as decrees, and executed as such.

IX. *First.* Awards made and filed in conformity with the provisions and forms enacted in this Regulation, and final, either when filed, or by not being appealed against under Section X., shall have the force of decrees, and shall be executed as such, the suit, when such was before the court, being struck off the file as decided by arbitration; and if any question should arise respecting costs, which is not sufficiently provided for in the award, the judge shall determine it, or refer it for decision to any court to which he is authorized to refer for trial such a matter as was the subject of arbitration.

Awards not made under the Regulation receivable in court as evidence only.

Second. Arbitration awards or other adjustments, not made and delivered to be filed as prescribed in this Regulation, shall not be entitled to any other consideration in a court than as evidence, or agreements, to be adduced or proceeded on by ordinary course of law.

Awards made and filed under the Regulation final, but not if the punchaet sat in certain principal towns,

except on special agreement.

X. *First.* Arbitration awards, made and delivered to be filed as prescribed in this Regulation, shall be final, unless the punchaet was convened at the Sudder station of the zillah, or at any place where the court of a *native commissioner* is held; provided, however, that if the parties by the deed of reference should expressly disclaim their right to appeal, the award of the punchaet, wherever convened, if made and delivered to be filed according to law, shall be final.

Appeals from awards not final, how filed and tried.

Second. Appeals against filed awards not final under the foregoing clause shall lie to the zillah judge; the petition of appeal shall be presented to the judge within thirty (30) days after notification of the filing of the award, as provided in the Fifth Clause of Section VIII., and in regard to trial and to further appeal, shall be subject to the rules for appeals from the decisions of *native commissioners*, as contained in [*Regulation IV. A.D.* 1827, *Section LXXII. Clauses First and Second*].

Rescinded by Sec. I. Reg. VII. 1831.

APPENDIX (A).

Form of a deed of reference.

Appendix (A).

At (here specify the place where the deed is executed), on (here specify the date), we, ——— and ——— (here specify the parties executing the deed), having a dispute regarding a balance of account (or other ground of dispute, of whatever nature), dated (here enter date of the balance, or other necessary particulars of other ground of dispute), to the amount of rupees ———, constitute you the following five (or as the case may be) persons (here specify their names) our arbitrators for adjusting the same, engaging to abide by whatever decision the punchaet, acting according to justice and good conscience, may pass, by virtue of this our deed of reference. The award of the punchaet is to be delivered within ten (or as the case may be) days. The opinion of the majority shall determine the judgment of the punchaet, or four members at least must concur to form the judgment of the punchaet (or otherwise, as the case may be). If a judgment is not found by the above-named arbitrators, we appoint (here specify the name) umpire (or the arbitrators shall within ——— days from this date, appoint an umpire, or otherwise, as the case may be), whose decision shall be given within ——— days after his appointment, and shall determine the judgment.

Signed by the parties.

Witnessed by
Signed by the witnesses.

APPENDIX (B).

Form of an arbitration award.

Appendix (B).

At (here specify the place where the award is made), on (here specify the date), I (or we, as the case may be, the name or names being also specified), the arbitrator (or arbitrators, or the umpire and arbitrators, as the case may be) appointed at (here specify the place), on (here enter the date), by (here enter the name of the parties), to investigate and decide their dispute regarding (here enter the grounds of dispute), of the value of (or to the amount of, or as the case may be), hereby decide that (here enter the particulars of the decision).

Signed by the arbitrator or arbitrators, or a majority thereof (as the case may be), and by the umpire, if there be one.

To be endorsed on the award.

A copy of this award was tendered on (here enter the date), to the party (here specify the name), who declined receiving it.

Signed as above.

or

A copy of this award was delivered on the (here enter the date), to the party (here specify the name).

Signed as above.

or

The party (here enter the name) having absented himself, we have been unable, up to this day (here enter the date), to tender to him a copy of this award.

Signed as above.

(BRANCH OF CIVIL JUDICATURE.)

Reg. VIII. 1827.

A.D. 1827. REGULATION VIII.*

CONSISTING OF TWO (2) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Rules for the recognition of Heirs, Executors, and Administrators, when there is a competent Claimant	I.
II.	Of the appointment of an Administrator by the Zillah Court, when there is no Heir or Executor competent and willing to be placed in possession	IX.

A REGULATION *to provide for the formal recognition of Heirs, Executors, and Administrators, and for the appointment of Administrators and Managers of Property by the Courts;* PASSED *by the Governor in Council, on the* 1*st January*, 1827.

Preamble.

WHEREAS, at the same time that it is in general desirable that the heirs, executors, or legal administrators of persons deceased should, unless their right is disputed, be allowed to assume the management or sue for the recovery of property belonging to the estate, without the interference of courts of justice, it is yet in some cases necessary or convenient that such heirs, executors, or administrators, in order to give confidence to persons in possession of or indebted to the estate to acknowledge and deal with them, should obtain a certificate of heirship, executorship, or administratorship, from the Zillah Court.

And whereas, whenever there is no person on the spot entitled or willing to take charge of the property of a person deceased, or, when the right of succession is disputed between two or more claimants, none of whom has taken possession, or where the heirs are incompetent to the management of their affairs and have no near relations entitled and willing to take charge on their behalf, or where a person possessed of property dies intestate and without known heirs, it is essential that the Zillah Court should appoint an administrator for the management of the estate;—the following Rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

RULES FOR THE RECOGNITION OF HEIRS, EXECUTORS, AND ADMINISTRATORS, WHEN THERE IS A COMPETENT CLAIMANT.

The legal heir, &c. of a person deceased is competent to represent him without recognition from the court.

I. Whenever a person dies leaving property, whether moveable or immoveable, the heir or executor, or legal administrator, may assume the management, or sue for the recovery of the property, in conformity with

* The provisions of this Regulation must now be administered with reference especially to those of Act XIX. 1841.

the law or usage applicable to the disposal of the said property, without making any previous application to the court to be formally recognized.

II. *First.* But if an heir, executor, or administrator is desirous of having his right formally recognized by the court, for the purpose of rendering it more safe for persons in possession of or indebted to the estate to acknowledge and deal with him, the judge, on application, shall issue a proclamation, in the form contained in Appendix (A), inviting all persons who dispute the right of the applicant to appear in the court within one month from the date of the proclamation, and enter their objections, and declaring that, if no sufficient objection is offered, the judge will proceed to receive proof of the right of the applicant, and if satisfied, grant him a certificate of heirship, executorship, or administratorship.

but if such recognition is requested, a proclamation will be issued,

Second. The proclamation shall be published in the manner directed in Regulation IV. A.D. 1827, Section VIII. Clause Tenth.

and effectually published;

III. If, at the expiration of the time mentioned in the proclamation, no sufficient objection has been made, the court shall forthwith receive such proof as may be offered of the right of the person making the claim, and if satisfied, shall grant a certificate in the form contained in Appendix (B), declaring him the recognized heir, executor, or administrator of the deceased.

and if no objection appears, the recognition will be granted.

IV. *First.* If, before the expiration of the time, any objection is made to the right of the person claiming as heir, executor, or administrator, the judge, on a day to be fixed (of which at least eight days' previous notice shall be given to the parties), shall summarily investigate the grounds of the objections on the one hand, and of the right claimed on the other, examining such witnesses or other evidence as may be adduced by the parties, and either grant or refuse a certificate, as the circumstances of the case may require.

If an objection appears, the same to be examined, and the recognition given or refused accordingly;

Second. But if, from the evidence adduced, it appears that the question at issue between the parties is of a complicated or difficult nature, the judge may suspend proceedings in the application for a certificate, until the question has been tried by a regular suit instituted by one of the parties.

unless the question is complicated or difficult, when the matter must be left for regular adjudication.

V. Whenever an executor is formally recognized, under the rule contained in Section IV., the authenticity of the will, if any, by which he is appointed, shall be proved, and the certificate of executorship shall be endorsed thereon.

The authenticity of wills and recognitions how certified,

VI. All wills so proved, and all certificates of heirship, executorship, and administratorship, shall be registered in the general register, before being delivered up to the owners.

and registered.

VII. *First.* An heir, executor, or administrator, holding the proper certificate, may do all acts and grant all deeds competent to a legal heir, executor, or administrator, and may sue and obtain judgment in any court in that capacity.

A recognized heir, &c. is competent to manage the property,

Second. But, as the certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal manage-

but his recognition gives him no title to the property,

ment thereof, the granting of such certificate shall not finally determine nor injure the rights of any person, and the certificate shall be annulled by the Zillah Court, upon proof that another person has a preferable right.

nor does it relieve him from responsibility to all claimants.

Third. An heir, executor, or administrator, holding a certificate, shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

Refusal of a recognition no judgment against the claim of the applicant.

VIII. The refusal of a certificate by the judge shall not finally determine the rights of the person whose application is refused, but it shall still be competent to him to institute a suit for the purpose of establishing his claim.

CHAPTER II.

OF THE APPOINTMENT OF AN ADMINISTRATOR BY THE ZILLAH COURT, WHEN THERE IS NO HEIR OR EXECUTOR COMPETENT AND WILLING TO BE PLACED IN POSSESSION.

When the heir, &c. is present, but undetermined, or incompetent, the judge may appoint an administrator, to be duly accountable when the emergency is at an end.

See Sec. ii. Act XIX. 1841

IX. Whenever there is no person on the spot entitled and willing to take charge of the property of a person deceased, where the right of succession is disputed between two or more claimants, none of whom has taken possession, or where the heirs are incompetent to the management of their affairs, from infancy, insanity, or other disqualification, and have no near relations entitled and willing to take charge on their behalf, the judge within whose jurisdiction such property is may appoint an administrator for the management thereof, until the lawful heir, executor, or administrator appears, or the right of succession is determined, or the disqualification of the heir is removed, as the case may be, when the judge, on being satisfied of the facts, shall direct the administrator in charge to deliver over the property to such person, with a full account of all receipts and disbursements during the period of his administration.

If the heir, &c. is unknown, an administrator to be appointed, and a proclamation issued,

X. *First.* Whenever any person dies intestate, and without known heirs, leaving property, the judge within whose jurisdiction the property is shall appoint an administrator for the management thereof, and shall issue a proclamation in the form contained in Appendix (C), calling upon the heir of the deceased, or any person entitled to receive charge of the property, to attend and prefer his claim.

and published.

Second. The proclamation shall be published in the manner prescribed in Regulation IV. A.D. 1827, Section VIII. Clause Tenth, and if the deceased was a native of any district or country without the limits of the court's jurisdiction, and the property is of the value of rupees one thousand (1,000) local currency, or upwards, the proclamation shall also be published in the Bombay Courier, or other Government newspaper.

The heir, &c. appearing to be put in possession,

Third. If any person appears, and satisfies the judge of his right to the possession of the property, or any part of it, as heir, executor, administrator, or otherwise, it shall be delivered up to him, after deducting the necessary expenses of management.

and if no heir appears, reference to be made to the Sudder Dewanny Adawlut, who will grant a further time, or order

Fourth. But if no person appears and establishes his right, the judge, on the 31st December next after the completion of twelve months from the appointment of the administrator, shall make a report of the circumstances of the case to the Sudder Dewanny Adawlut, accompanied by an inventory

and valuation of the property: and it shall be lawful for the Sudder Dewanny Adawlut, either to direct the property to continue for a further period under the management of the administrator, or to be sold by him under the authority of the court, and the proceeds to be deposited in the public treasury for the eventual benefit of all concerned.

the property to be sold, and the amount to be held in deposit.

XI. Whenever an administrator is appointed by the judge under Sections IX. and X. of this Regulation, he shall, previously to entering upon the execution of his office, give security, in a sum to be fixed by the judge, for the faithful discharge of his trust, and he shall be entitled to such remuneration as the judge may fix for his trouble, but subject to modification by the Sudder Dewanny Adawlut, on the complaint of any person interested.

Administrators appointed by the court to give proper security, and to be remunerated at the discretion of the judge, and in certain cases the Sudder Dewanny Adawlut.

APPENDIX (A).

Form of proclamation to be issued when a person applies to be recognized as heir, executor, or administrator of one deceased.

Appendix (A).

PROCLAMATION.

IN THE COURT OF THE ZILLAH OF ———.

Whereas A. B., inhabitant of ———, died at ———, on or about the —— day of ——, and whereas C. D., inhabitant of ———, has presented an application to the judge of the said zillah, for the purpose of being formally recognized as heir [executor, or administrator, as the case may be] of the said A. B.—This is to give notice to all persons who may dispute the right of the said C. D. as heir [executor, or administrator, as the case may be] of the said A. B., to appear in the court of the said zillah within one month from the date of this proclamation, there to enter their objections; and it is hereby declared, that if no sufficient objection is offered before the expiration of that period, the said judge will forthwith proceed to receive proof of the said C. D.'s right, and to grant him, provided he shall appear entitled thereto, a certificate of heirship [executorship, or administratorship, as the case may be] of the said A. B. deceased.

Dated at ——, this —— day of ——.

(Signed) By the judge,
Senior assistant judge,
or
Junior assistant judge.

APPENDIX (B).

Form of certificate to be granted to the recognized heir, executor, or administrator of one deceased.

Appendix (B).

IN THE COURT OF THE ZILLAH OF ———.

Whereas A. B., inhabitant of ———, died at ———, on or about the —— day of ——, and application was made by C. D., inhabitant of ———, to the judge of the said court, to be formally recognized as heir [executor, or administrator, as the case may be] of the said A. B.; and whereas, the usual proclamation having been issued, no sufficient objection was offered to the right of the said C. D.; and whereas the said C. D. thereupon gave proof to the satisfaction of the court of his right to be recognized as heir [executor, or administrator, as the case may be] of the said A. B.:

This, therefore, is to certify that the said C. D. is the recognized heir [executor, or administrator] of the said A. B. deceased.

Dated at ———, this —— day of ——.

(Signed) By the judge,
Senior assistant judge,
or
Junior assistant judge.

APPENDIX (C).

Appendix (C). Form of proclamation to be issued when a person dies intestate, and without known heirs, leaving property.

PROCLAMATION.

IN THE COURT OF THE ZILLAH OF ———.

Whereas A. B., inhabitant of ———, died at ———, on or about the —— day of ——, leaving the following property at ———, within the said zillah, viz. [here specify the property]; and whereas no will of the said A. B. has been found, nor is it known if he has any heirs. This is to give notice to all persons claiming to be heirs, or to be entitled to receive charge of the said property, to attend and prefer their claim in the said court, in order that on such claim being proved, the said property may be delivered up to them.

Dated at ———, this —— day of ——.

(Signed) By the judge,
Senior assistant judge,
or
Junior assistant judge.

(BRANCH OF CIVIL JUDICATURE.)

Reg. IX. 1827.

A.D. 1827. REGULATION IX.

CONSISTING OF THREE (3) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of the form and nature of the Register of Title-deeds and the General Register respectively, and of the mode of registering documents	I.
II.	Of the effect of Registration in the Register of Title-deeds, and special provisions in favour of ancient Documents; and of the grant of copies of registered deeds	VI.
III.	Of the effect of Registration in the General Register	IX.
	SUPPLEMENT. Regulation XIII. 1828.	

A REGULATION *for establishing a Register of Title-deeds, and a General Register of Deeds, Obligations, and other Writings, in each Zillah subordinate to the Presidency of Bombay:* PASSED *by the Governor in Council on the* 1*st January*, 1827.

Preamble. WHEREAS it would be conducive to the security of titles to immoveable property, and greatly facilitate the transfer of such property by sale, gift, mortgage, or otherwise, that a register of title-deeds should be established in each zillah, and that deeds entered therein should be allowed such a preference as to give the holder an obvious interest in presenting them for registration:

And whereas, by establishing also a general register in each zillah for all other deeds, obligations, and writings, of whatever nature, effectual means would be provided for the preservation of copies of writings, and great facility afforded in proving their contents, in the event of the

originals being lost or destroyed;—the following rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

OF THE FORM AND NATURE OF THE REGISTER OF TITLE-DEEDS AND THE GENERAL REGISTER RESPECTIVELY, AND OF THE MODE OF REGISTERING DOCUMENTS.

Establishment of a register of title-deeds and of a general register.

I. *First.* There shall be an office in each zillah for the registry of deeds and other papers, in which two separate registers shall be kept, the one to be called "the register of title-deeds," and the other "the general register."

Each register how composed and kept.

Second. The registers shall consist each of such number of books as may provide for the convenient registration of the various documents to be registered therein, and they shall be kept respectively in the forms contained in Appendix (A).

See Reg. XIII. 1828.

The senior assistant judge to be superintendent of the register.

II. *First.* The superintendence of these registers shall be vested in the senior assistant judge, and in case of his death, absence, or indisposition, in the officer appointed to officiate in his stead by Regulation II. A. D. 1827, Section XXVIII. Clause Third.

And the register's office to be open for two hours every day.

Second. The office shall be open for the dispatch of business during at least two hours daily, holidays excepted; and a written notice of the hours during which it is open shall be fixed up in some conspicuous part thereof.

Register of title-deeds to contain all writings relative to the title to immoveable property.

III. *First.* The register of title-deeds shall be appropriated to the registry of sunnuds, deeds of sale, gift, devise, or mortgage of lands, houses, offices, or other immoveable property situated within the zillah; of awards of arbitrators determining the right to such property so situated, and of deeds of release or discharge of mortgages, or other encumbrances affecting the same, and generally of all documents relating to the right and title to immoveable property within the zillah.

Decrees registered at the option of the holder.

Second. Decrees (including awards of arbitrators possessing the force of decrees under Regulation VII. A. D. 1827, Section IX. Clause First) and other judicial processes affecting the right or title to immoveable property situated within the zillah, may, at the option of the holder, be registered in the register of title-deeds; but it is hereby explained, that the force and effect of such documents is in nowise to depend on their being registered.

The general register to receive all other documents.

IV. The general register shall be appropriated to the registry of wills, contracts, bonds, leases for the temporary occupancy of land, or other property, decrees, references to, and awards of arbitrators, and in general of all deeds, obligations, and writings of a different nature from those provided for in the preceding section.

Each document for registry to be presented by the owner or his agent with the authorized fee.

V. *First.* The owner of a deed or other writing who is desirous of having it registered, shall present it himself, or by an agent bearing his power of attorney for the purpose, to the superintendent or other person

acting in the office under his authority, with the fee specified in Appendix (B), without payment of which the document shall not be received.

The time of presentation and other necessary particulars to be noted in the book of entries.

Second. A separate book, to be called "the book of entries," shall be kept for each of the two registers in the form contained in Appendix (C), and it shall be the duty of the superintendent, or other person acting in the office under his authority, immediately on receiving a deed or writing, to enter in the proper book of entries the day and hour in which it was presented, the name of the person presenting it, the nature of the writing, the description of property to which it relates, and the name of the person in whose favour the writing was executed, and, if it relates to immoveable property, the name of the place in which it was situated.

and the entry to be signed by the superintendent.

Third. The entry shall, at the time it is made, be signed by the superintendent, and by the person who presented the writing to be registered. But in case of the absence of the superintendent, it shall be signed in his stead by the person in the office acting under his authority, and as soon after as practicable shall be countersigned by himself.

Documents to be copied in the order noted in the book of entries.

Fourth. The deeds and writings presented for registry shall be copied at full length into the proper register in the order in which they stand in the books of entries, and the copies shall be carefully compared with the original, and be attested by the signature of the superintendent.

The register to be duly paged and authenticated,

Fifth. Each leaf of the register shall be paged with its number written in letters at length, and bear the signature of the superintendent, who shall also note in his own handwriting, on the first and last page of each book, the number of pages contained in it, and attest the note with his official signature.

and references duly made in the book of entries to the register.

Sixth. The superintendent shall cause to be marked on the margin of the book of entries, opposite to the entry of each deed or other writing, the number of the volume, and the page or pages thereof in which it is entered in the register.

Registered documents, on receipt given, to be returned,

Seventh. The original deed or other writing, after being registered, shall be returned to the owner, or the person who presented it, who shall sign a receipt for it on the margin of the entry in the book of entries.

endorsed with a certificate of registration,

Eighth. But before it is returned the superintendent shall sign a certificate, endorsed on it as follows: "Registered in the ——— page of the ——— volume of the register of title-deeds (or general register) kept for the zillah of ———, for the year ———, having been presented at ——— o'clock of the ——— day of ——— of the said year."

(Signed by the superintendent.)

which shall be good proof thereof.

Ninth. The certificate, so endorsed and signed, shall be held in all courts of justice to be sufficient evidence of the registry.

CHAPTER II.

OF THE EFFECT OF REGISTRATION IN THE REGISTER OF TITLE-DEEDS, AND SPECIAL PROVISIONS IN FAVOUR OF ANCIENT DOCUMENTS; AND OF THE GRANT OF COPIES OF REGISTERED DEEDS.

Documents registered in the register of title-deeds to have prefer-

VI. *First.* Every deed or other writing transferring or mortgaging immoveable property situated within the zillah, if registered in the register of

See Act XIX 1843.

title-deeds, shall, without regard to the date of execution, if proved to be valid, be preferred to, and satisfied before any deed of the nature of those specified in Section III. Clause First, either subsequently registered or not registered at all; but this preference shall extend only to the immoveable property thereby transferred or mortgaged; [*provided, however, that if any person shall purchase, receive in gift, or take in mortgage immoveable property, knowing such property to have been previously sold, given, or mortgaged to any other person, and that the deed of sale, gift, or mortgage has not been registered, and shall register his own deed, in such case the registered deed shall not, from the registry of it, be entitled to preference over the unregistered deed, if proved to be authentic.*]

ence over documents not registered, *except in cases of fraud*.

Repealed from 1st May, 1843, by Act I. 1843.

Second. Deeds or other writings transferring or mortgaging immoveable property, if not registered in the register of title-deeds, shall not on that account be invalidated or null; but shall stand in regard to each other unaffected by the rules relating to registration.

unregistered deeds not being thereby invalidated.

VII. *First.* And whereas, by the fourth section of Regulation IV. A.D. 1802, for establishing a register for wills and deeds, for the transfer or mortgage of real property, as far as regards Surat and Randier, and their dependencies, and the pergunnahs of Chowrassy and Cheeklee (which Regulation subsequently, from time to time, has been extended to certain of the territories more recently annexed to the presidency of Bombay), it was left to the option of all persons to register or not any deeds of sale, or gift of lands, houses, or other real property, as well as certificates of the discharge of mortgages executed prior to the 1st September, 1802, and it was provided that the not registering such deeds should in nowise operate to the prejudice of the rights of the parties thereto.

Specification of former enactments in favour of documents passed in the original Surat Zillah previously to 1st September, 1802.

Second. And whereas principles of equity, and the spirit of the said Regulations, require that the date of passing each Regulation for the introduction of the Code of Regulations, should, with regard to the territories to which it applies, be substituted for 1st September, 1802, in determining questions respecting the right of preference between registered and unregistered deeds.

and application of these enactments to other territories.

Third. Therefore, it is declared, that the rules enacted by the present Regulation shall not extend to deeds of sale or other documents executed prior to the 1st September, 1802, so far as regards Surat and Randier, and their dependencies, and the pergunnahs of Chowrassy and Cheeklee and executed prior to the date of each Regulation, respectively, as specified in Appendix (D), so far as regards the other territories to which such Regulation applies.

Reservation of rights resting on the said enactments.

Fourth. Nothing contained in this Regulation shall affect the privileges of deeds of mortgage or sale, or of other writings founded on the enactments contained in Appendix (E), viz. Section XIV. of Regulation III. A.D. 1799, applicable until 27th August, 1817, when Regulation VI. A.D. 1817, was passed, to Salsette and Caranja, and Section XIV. Regulation I. A.D. 1800, enacted originally for Surat and Randier, and their dependencies, and made applicable when the Surat jurisdiction was extended, on the 6th July, 1802, by the passing of Regulation I. of that year, to the pergunnahs of Chowrassy and Cheeklee; and various sections of Regulation IV. A.D. 1802, enacted originally for the Surat jurisdiction,

and of privileges founded on other enactments specified in Appendix (E), and in like manner applied.

extended as above mentioned, and both made applicable by subsequent Regulations to other districts on the dates respectively specified in Appendix (D) to this Regulation.

The register of title-deeds open to general inspection, and copies of papers allowed to be taken on application and payment of fees.

VIII. The register of title-deeds shall be open to the inspection of all who apply to the superintendent, or to the person in the office acting under his authority, and copies of all writings in the register may be taken by such as require them, or authenticated copies be procured from the superintendent, provided the fee respectively prescribed in Appendix (B) be previously paid.

CHAPTER III.

OF THE EFFECT OF REGISTRATION IN THE GENERAL REGISTER.

The general register gives documents no privileges, but facilitates their authentication.

IX. *First.* The registry of writings in the general register shall give them no privilege over writings not registered, the only object of the general register being to preserve copies of writings, and to facilitate the proving of their contents, in the event of the originals being lost or destroyed.

It is not open to general inspection, but its contents may be seen or copied on application to the judge by parties concerned.

Second. The general register shall not be open to public inspection, but persons having an interest in writings registered therein, may be allowed to take copies, or be furnished with authenticated copies, on applying to the judge, and paying the fee prescribed in Appendix (B).

Appendix (A).

APPENDIX (A).

Form for the Register of Title-deeds.

The register of title-deeds in the zillah of ———, for the year ———.

Deed of sale :— Pergunnah of ———. Village of ———. Lands of ———. Presented for Registry. } Date.	Page fifty-four. (Copy of the deed at full length.) A true copy. (Signed) By the superintendent.
Will of ———. Pergunnah of ———. Village of ———. Dwelling-house and tiled shed. Presented for Registry. } Date.	Page seventy-two. (Copy of the will at full length.) A true copy. (Signed) By the superintendent.

Appendix (A), *continued.*

Form for the General Register.

The general register for the zillah of ———, for the year ———.

Deed of partnership: Trade in timber; Ramchunder Sewram and Trimbuk Balajee. Presented for Registry. } Date.	Page forty. (Copy of the deed at full length.) A true copy. (Signed) By the superintendent.
Lease of house: Pergunnah of ———. Village of ———. Presented for Registry. } Date.	Page eighty-nine. (Copy of the lease at full length.) A true copy. (Signed) By the superintendent.

APPENDIX (B).*

Appendix (B).

Table of fees to be paid for the registry of writings in the register of title-deeds and general register, for copies of writings registered, and for searches in the register.

For registering each writing not exceeding 400 words in length - - - Rs.	2	0	0
If above 400 words, for every 200 additional words, one rupee, provided that the fee shall in no case exceed - - - - - - - - -	5	0	0
For every search in either register - - - - - - - - -	1	0	0
For every attested copy not exceeding 400 words in length - - - - -	1	0	0
If above 400 words, for every 200 additional words, one rupee, provided that the fee shall in no case exceed - - - - - - - - -	5	0	0

APPENDIX (C).

Appendix (C).

Form for the "book of entries" to be kept for the "register of title-deeds."

The book of entries for the register of title-deeds in the zillah of ———.

Description of document.	When presented.	Particulars.
Deed of sale: Pergunnah of ———. Village of ———. Lands of ———.	18—. 17th August, 1 P. M.	A. B. (or C. D., agent for A. B., as the case may be) presented a deed of sale of the lands of ———, in the village of ———, in the pergunnah of ———, executed by ———, in favour of the said ———, for the purpose of being registered in the register of title-deeds. (Signed) By the superintendent.
Will of ———. Pergunnah of ———. Village of ———. Dwelling-house and tiled shed.	18—. 19th September, 11½ A. M.	A. B. (or C. D., agent for A. B., as the case may be) presented the will of ———, bequeathing a dwelling-house and a tiled shed to ——— and others, for the purpose of being registered in the register of title-deeds. (Signed) As above.

Appendix (C), *continued.*

Form for the "book of entries" to be kept for the "general register."

The book of entries for the general register in the zillah of ———.

Description of document.	When presented.	Particulars.
Deed of partnership: Trade in timber; Ramchunder Sewram and Trimbuk Balajee.	18—. 12th April, 12 at noon.	Ramchunder Sewram presented a deed of partnership regarding trade in timber, executed between himself and Trimbuk Balajee, for the purpose of being registered in the general register. (Signed) By the superintendent.
Lease of a house: Pergunnah of ———. Village of ———.	18—. 2nd June, 11 A.M.	A. B. (or C. D., agent for A. B., as the case may be) presented a lease of a house situated in the village of ———, in the pergunnah of ———, granted by C. D. to the said A. B., for the purpose of being registered in the general register. (Signed) As above.

APPENDIX (D).

Appendix (D).

Statement showing the respective dates on which the provisions of Regulation IV. of 1802 became applicable to other districts than those for which the Regulation was originally passed; deeds of sale and other documents, if executed in each case prior to the respective date specified, being privileged without registry.

Regulation or other Authority.	Territory.	Date when Reg. IV. of 1802 became applicable.
	SURAT ZILLAH.	
Preamble to Reg. II. of 1805 -	The eight (8) pergunnahs of Bulsar, Parneira, Bhootsur, Parchol, Soopa, Surbhan, Walor, and Boharee. The kusba of Bardolee. The three (3) villages of Kuttergaum, Koomaren, and Phoolpara.	31st Dec. 1802.
Preamble to Reg. I. of 1817 -	The pergunnah of Currode - - -	5th June, 1816.
Reg. VI. of 1817 - -	The pergunnah of Bhugwara - -	6th June, 1817.
Reg. III. of 1819 - -	The pergunnah of Turkeysir - - The kusba of Mota. The village of Mugdula, with some adjoining lands of the village of Peeplod. The pergunnah of Oolpar.	28th Nov. 1817.
	BROACH ZILLA.	
Reg. II. of 1805 - -	The pergunnahs of Hansoot and Oklasur The town and pergunnah of Broach.	14th May, 1805.
Reg. VI. of 1817 - -	The three (3) pergunnahs of Jumbooseer, Ahmod, and Dejbara.	5th June, 1817.

Appendix (D), *continued.*

Regulation or other Authority.	Territory.	Date when Reg. IV. of 1802 *became applicable.*
	EASTERN ZILLAH NORTH OF THE MYHEE (KAIRA).	
Reg. II. of 1805 -	The tuppa of Naupar - - - - The enam town of Kaira and its dependencies. The three (3) pergunnahs of Neriad, Mahtur, and Moondha. Sixteen villages of Dholka, east of the Saburmutty river.	14th May, 1805.
Reg. I. of 1817 - -	The pergunnah of Kupurwunj - - The tuppa of Bahlej. The four (4) villages of Sundana, Antroly, Wasna, and Kurnej.	5th June, 1816.
Reg. III. of 1819 - -	The five (5) pergunnahs of Mahmoodabad, Antroly, Alena (except the two villages of Nikol and Sanoda), Tasra, and Duskuroee, to the east of the Kharee river. The Paishwa's share of the Pitlaud pergunnah. The town of Oomrut.	6th June, 1818.
	WESTERN ZILLAH NORTH OF THE MYHEE (AHMEDABAD).	
Reg. II. of 1805 - -	The three (3) pergunnahs of Dundooka, Ranpoor, and Gogo. The pergunnah of Dholka, except sixteen (16) villages which are east of the Saburmutty river.	14th May, 1805.
Reg. III. of 1819 - -	The city of Ahmedabad - - - The Duskuroee pergunnah, to the west of the Kharee river. The pergunnah of Veerumgaum. The two (2) villages of Nikol and Sanoda, in the Alena pergunnah. The pergunnah of Purantej. The Paishwa's share of the districts of Byar, Hursol, and Morassa.	6th June, 1817.
	ZILLAH OF THE NORTHERN KONKAN.	
	Though not so specifically enacted, the islands of Salsette and Caranjah and their dependencies have been subject to Regulation IV. of 1802, from the date of its enactment.	
Reg. VI. of 1817 - -	The districts of Bellapoor, Autgaum, and Kalian, and all the other territories of the Paishwa Bajee Row, extending north of those districts as far as the Damaun river, and lying between the Ghauts and the sea.	5th June, 1817.
Reg. III. of 1819 - -	The territories of the Paishwa Bajee Row, extending south of the districts Bellapoor, Autgaum, and Kalian, as far as the Apta river, and lying between the Ghauts and the sea, with the exception of	2nd Sept. 1818.

Appendix (D), *continued.*

Regulation or other Authority.	Territory.	Date when Reg. IV. of 1802 became applicable.
	ZILLAH OF THE NORTHERN KONKAN—(*continued*).	
	the town of Apta, and the villages of Korulwaree and Sendapoor, in the Kurnala talooka.	
Treaty with the Colaba state	So much of the Uoorwuleet turuf, north of the Apta, as belonged to the state of Colaba, with the exception of the following ten (10) villages and twenty-five (25) khars: *Villages:*—Woolvie, Turghur, Dapolee, Kopur, Pohee, Parengur, Koondeywal, Masor, Awrey, Gowan. *Khars:*—Nanduee Neemba, khar Wasunee, Hurrichundur Peemplee, Kaljee Gobur, Boorey Boozoorg, Band khar, Khat khar, Waltee, Mhalaee, Son khar, Bhangaree-boozoorg, Rel khar, Pond khar, Shemptee, Waltee, Darwacha-kota, Chiklee-bhum, Motee khar, Ranjun khar, Hurischundur-kota, Gowendee, Booree-khoord, Booree-cha-kota, Kopur, Potacha-moonh. So much of the Toongartun muhal, north of the Apta, as belonged to the state of Colaba, with the exception of the village of Wat. The four (4) villages, Tulowrey, Chandajee, Goorvey, and Nurol, in the Vuredy turuf. The two (2) villages, Dewroog and Khurwar-boozoorg, in the Soonulee turuf. The village Amburjey, in the Sherey turuf. The village Ambolee, in the Burey turuf. The three (3) villages, Nitaley, Nourey, and Khyruney, in the Tulozeh turuf. The three (3) villages, Kampoolee, Dewkur, and Bhanwuj, in the Bortee turuf.	6th June, 1824.
	ZILLAH OF THE SOUTHERN KONKAN.	
Reg. III. of 1803 - -	Fort Victoria and its nine (9) dependent villages.	5th Aug. 1803.
Reg. XI. of 1814 - -	The fort and island of Sindoodroog, in Malwan, and the forts of Puddunghur, Rajkot, and Serjeekot, with the villages and lands dependent on the said forts, the fort and valley of Vingorla, and the cessions by the Waree state in Wurar and Muloondee.	2nd Nov. 1814.
Reg. III. of 1819 - -	The territories of the Paishwa Bajee Row, bounded on the north by the Apta river, and on the south by the Karleo, or	2nd Sept. 1818.

Appendix (D), *continued.*

Regulation or other Authority.	Territory.	Date when Reg. IV. of 1802 became applicable.
	ZILLAH OF THE SOUTHERN KONKAN—(*continued*).	
	Malwan river, and lying between the Ghauts and the sea, with the four (4) following exceptions: 1st.—The Oonderee talooka, except the village of khar Dolvie, which village belongs to the zillah. 2nd.—The three (3) following villages Chawool, viz.: Waolee, Karley, and Komprolee. 3rd.—The five (5) following Warees in Chawool and Thul: viz.: Pakaree, Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Veesajee Keshow, and Wursolee. 4th.—The oarts belonging to and situated without the walls of the fort of Rewdunda.	
Reg. III. of 1820 - -	The nine (9) following sea-coast villages in the turufs of Ajgaum and Paut; viz.: OF AJGAUM: Raree, Arowlee, Serodee. OF PAUT: Dabolee, Kanolee, Keyloos, Mahapun, with the adjoining fort of Newtee, Konchuree, Purolen.	17th Feb. 1819.
Treaty with the Colaba state	So much of the Toongartun turuf, situated south of the Apta river, as belonged to the state of Colaba, with the exception of the village of Khuraree-boozoorg. The two (2) villages, Wureree and Shetolee, and the four (4) khars, Son khar, Dhadur khar, khar Dubabu, and Dolvie khar, in the Hummpoor turuf.	6th June, 1824.

APPENDIX (E).

Appendix (E).

Enactments referred to in Regulation IX. Section VII. Clause Fourth, as remaining in force so far as to preserve the privileges of deeds of mortgage or sale, or of other writings registered in conformity with the provisions of those enactments respectively.

Section XIV. of Regulation III. A.D. 1799, and of Regulation I. A.D. 1800.

Mortgage to be registered.

XIV. The judge is prohibited decreeing the payment or satisfaction of any sum due on a mortgage-bond entered into after the 1st of January, 1800, unless such mortgage-bond shall have been registered in his court at the time of passing it, of which rule public notice is to be issued throughout his jurisdiction.

Extract from Regulation IV. A. D. 1802, being "a Regulation for establishing a registry for wills and deeds, for the transfer or mortgage of real property, as far as regards Surat and its dependencies: Passed by the Honourable the Governor of Bombay on the 8th of July, 1802, whilst at that settlement in the full possession and exclusive exercise of the entire powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 20th of August, 1802."

Memorandum of the following deeds to be registered.

III. *First*. The register is authorized and required to register memorials of the following deeds.

Deeds of sale and gift of real property.

Second. Deeds of sale or gift of lands, houses, and other real property.

Mortgages and incumbrances, and certificates of the discharge of the incumbrances.

Third. Deeds of mortgage on lands, houses, and other real property, as well as certificates of the discharge of such incumbrances.

Limited assignments and temporary transfers.

Fourth. Leases and limited assignments of land, houses, and other real property, including generally all conveyances used for the temporary transfer of real property.

Wills.

Fifth. Wussceatnamahs or wills.

Authorities to women to adopt sons after the death of their husbands.

Sixth. Written authorities from husbands to their wives to adopt sons after their (the husbands') demise.

Option left of registering any of the deeds specified in the preceding section executed, or that may be executed prior to 1st of September.

IV. It shall be left to the option of all persons to register or not, as they may think proper, any of the descriptions of deeds specified in the preceding section (mortgage-bonds excepted) that have been executed, or which may be executed, prior to the 1st of September. The not registering such deeds shall in nowise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deeds specified in the three last clauses of Section III. whether executed before or after 1st September, may be registered or not, at the option of the parties.

V. It shall also be left to the option of all persons to register or not, as they may think proper, the several descriptions of deeds specified in Clauses Fourth, Fifth, and Sixth, of Section III., whether executed previous or subsequent to the 1st of September; the not registering of the deeds specified in those three clauses shall in nowise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deeds of sale or gift executed subsequent to the 1st September.

VI. *First*. Every deed of sale or gift of the description specified in Clause Second, Section III., that may be executed on or after the 1st of September, and a memorial of which shall be duly registered according to this Regulation, shall, provided its authenticity be established to the satisfaction of the court, invalidate any other deed of sale or gift for the same property executed subsequent to the said date, which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed.

Deeds of mortgage registered under Section XIV. Regulation I. 1800, to be discharged in preference to mortgages granted subsequently to that date not registered.

Second. Every deed of mortgage of the description specified in Clause Third, Section III., that shall have been or shall be registered, in pursuance of the requisition in Section XIV. Regulation I. 1800, and provided its authenticity be established to the satisfaction of the court, shall be satisfied in preference to any other mortgage on the same property executed subsequent to the said date, which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage.

Qualification of the rules in the two preceding clauses, applicable to cases in which persons may purchase, take on gift, or mortgage property, knowing it to have been previously sold, given, or mortgaged.

Third. It being the object, however, of the rules in the two preceding clauses to prevent persons being defrauded by purchasing, or receiving in gift, or taking in mortgage, real property which may have been before sold, given, or mortgaged, and, as persons can never suffer such imposition when they are apprized of the previous transfer or mortgage of the property, it is to be understood, that if any person shall purchase, receive in gift, or take in mortgage, any real property, knowing such property to have been previously sold, given, or mortgaged to any other person, and that the deed of sale, gift, or mortgage, has not been registered, and shall register his own deed, in such case the deed of sale, gift, or mortgage of such subsequent purchaser, donee, or mortgagee, which may have been registered, shall not, from the registry of it, invalidate or be discharged, in preference to the unregistered deed of sale, gift, or mortgage, first executed, provided the authenticity of the latter be established to the satisfaction of the court.

In what office deeds are to be registered.

VII. The registry of all deeds shall be made in the register's office of the Civil Court under the jurisdiction of which the property affected by them may be situated.

Each description of deeds to be registered

VIII. *First*. Each species of deed shall be registered in a separate book, each leaf of which shall be paged, and be attested by the judge of the Civil Court, who shall note in his

own handwriting on the last page of each book, the number of pages contained in each book, and attest the note with his official signature.

in a separate book, paged and attested as herein directed.

No register shall be deemed authentic excepting such as shall be paged and attested.

Second. Every deed entered in a register-book shall be numbered, and the date of the month and the year, as well as the time of the day when every deed may be registered, shall be noted in the margin of the register-books, which shall be deposited amongst the records of the Civil Court.

Deeds registered to be numbered, date of the registry, &c., to be noted in the margin of the register: register to be deposited in court.

IX. *First.* The following forms shall, from the first of September next, be observed in the registry of deeds, of which due notice shall be issued by the judge of the Civil Court of Surat.

Forms to be observed in the registry of deeds.

Second. The person or persons executing the deed, or his or their authorized representative, with one or more of the witnesses to the execution of it, shall attend at the register's office, and prove by oath before the register the due execution of the deed, upon which the register shall cause an exact copy of the deed to be entered in the proper register-book, and after having caused it to be carefully compared with the original, shall attest the copy with his signature, and shall also cause the parties, or their authorized representatives in attendance, to subscribe their signature to the copy in the presence of two creditable witnesses (whose names shall also be subscribed thereto), and shall then return the original, with a certificate under his signature endorsed thereon, specifying the date, and the time of the day on which such deed shall have been so registered, with references to the book containing the registry thereof, and the page and number under which the same shall have been entered therein.

Forms.

X. The certificate of the register, endorsed agreeably to the forms described in Clause second of the preceding section, shall be considered in all courts of justice to be sufficient evidence of the registry.

Certificates of the registry of deeds to be considered as evidence of their registry.

(BRANCH OF CIVIL JUDICATURE.)

A.D. 1827. REGULATION X.

Reg. X. 1827.

CONSISTING OF THREE (3) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of constituting a Commission for the Trial of Disputes regarding Boundaries, and of appointing its Members	I.
II.	Of the Proceedings of the Commission	IV.
III.	Of executing and appealing from the Judgments of the Commission	XIII.

A REGULATION *for trying and deciding Disputes regarding the Boundaries of Villages, by means of a Special Commission:** PASSED *by the Governor in Council, on the 1st January,* 1827.

WHEREAS disputes regarding the boundaries of villages are often productive of great public injury, by preventing the cultivation of the lands in dispute, and exciting feelings of animosity between neighbouring villages; and whereas the progress of a revenue survey through a zillah, or any part thereof, offers great advantages for the adjustment of such

Preamble.

* Boundary disputes at other times than during revenue surveys are under the collector's cognizance, by Clause Fifth, Section xxxi. Reg. XVII. 1827.

disputes, from the ready means afforded both of measuring and inspecting the lands and of examining evidence upon the spot; and whereas for these reasons it may often be found expedient to connect with the revenue survey a commission for deciding disputes concerning the boundaries of villages, which, without impeding the amicable adjustment of such disputes by arbitration or otherwise, may try and determine all that remain unadjusted when the survey of each village is made, whereby the survey may also become a permanent record of the true boundaries of villages;—the following rules have therefore been enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose. See Reg. XXVIII. 1827.

CHAPTER I.

OF CONSTITUTING A COMMISSION FOR THE TRIAL OF DISPUTES REGARDING VILLAGE BOUNDARIES, AND OF APPOINTING ITS MEMBERS.

Commission for deciding boundary disputes when to be appointed.

I. *First.* Whenever a revenue survey is undertaken in a zillah, or any part thereof, it shall be competent to the Governor in Council to appoint a commission for the purpose of hearing and deciding disputes between villages respecting their boundaries, in the manner prescribed in this Regulation:

how to be designated, and proclamation of its formation

Second. The commission shall be designated "The Commission for deciding boundary disputes in the zillah of (or, in the district of ——," as the case may require); and the appointment of such commission, with its object, shall be announced by a proclamation in the form contained in Appendix (A).

how to be issued.

Third. The proclamation shall be issued by the collector of the zillah in which the survey is about to be commenced, and shall be published by being read aloud in the market-place of the principal town in each kamavisdarship, mamlutdarship, or district of similar extent over which the survey extends, and by being fixed up in every such market-place, in every court, and in every collector's kuchery within the zillah or district.

Commission to be constituted of not less than three members; how selected;

II. *First.* The commission shall consist of not less than three members, to be appointed by Government, one of whom shall be taken from the officers of the revenue survey, and another from the land revenue department of the respective zillah; and the remaining member or members from either the survey or any civil department.

two members when competent to proceed, and a third when required.

Second. Any two of the members shall be competent to proceed, and if they agree in opinion, to pass a decision; but if they disagree, they shall suspend proceedings until they are joined by a third member, when the decision shall be regulated by the opinion of the majority.

Oath of the members of the commission.

III. Each commissioner, previously to executing any of the functions of his office, shall take and subscribe before the judge of the zillah in which he is to act, or before any other person whom the Governor in Council may authorize to administer it, the oath contained in Appendix (B). See Act XXI. 1837.

CHAPTER II.

OF THE PROCEEDINGS OF THE COMMISSION.

When a boundary is to be defined, notice to be given to the patel of the village, and to the patels of neighbouring villages.

IV. *First.* When a special commission has been appointed to define the boundaries of a village, the commission shall give at least eight days' previous notice in writing, in the form contained in Appendix (C), to the head patel of such village, and to the head patels of all the villages whose lands adjoin those of the village to be surveyed, apprizing them that the boundary of the village is about to be defined, and requiring them to attend, at a time to be fixed in the notice, each with the village accountant and watchmen, or others acquainted with the boundaries of their respective villages, for the purpose of pointing out the limits to which they extend.

Disputes not submitted to arbitration, or entered for trial, will be decided and the boundary fixed.

Second. The notice shall further apprize them, that if there is a dispute regarding the boundary, the parties may resort to private arbitration, or refer the dispute to the commissioners, or any of them, for arbitration, provided that the award be produced within a certain time (to be not less than fifteen days from the date of reference, and to be fixed by the commission), or may enter the claim for trial before the commission; but that unless, on or before the day appointed for defining the boundary, some one of those methods be adopted, the commission will fix the landmarks according to the information which it may possess, and those landmarks will thenceforward be held to define the true boundary of the village.

When arbitration is resorted to, time to be allowed, which may be extended; consequence of its being exceeded.

V. *First.* If on the day appointed for defining the boundary, there should be an unadjusted dispute, upon which a deed of reference to arbitrators is produced, the commission shall stay proceedings for such period as it may judge proper to allow for the receipt of the award; and if at the expiration of such period no award has been given in, the commission, if it shall not think fit to extend the period for the receipt of the same, shall proceed as if no deed of reference had been passed.

When arbitration is not resorted to, and the claim not entered, dispute how determined.

Second. If there should be an unadjusted dispute, upon which no deed of reference to arbitration is produced, the commission shall enter the same for trial, and try and decide it under the rules hereinafter contained in Sections VI. and X. and intervening sections, in the same way as if a claim had been previously preferred and entered for trial; and if there should be a doubt as to which of the villages should prosecute, the commission shall decide that question.

Disputes to be entered by written application reciting the circumstances, under the signature of the patel and village accountant.

VI. *First.* When a dispute is entered for trial before the commission, a written application shall be made, specifying the name of the village claiming, the name of the village affected by the claim, the extent and estimated value of the land in dispute, whether cultivated or lying waste, if occupied, by whom, the time, if known, when such occupancy commenced, and the specific grounds on which such land is claimed as belonging to the village.

Second. The application shall be signed by the patel of the village entering the claim, and shall be countersigned by the village accountant.

Applications how numbered and endorsed,

and registered;

VII. *First.* The application shall be numbered and dated by endorsement in the order in which it is received, and such endorsement shall be signed by one of the commissioners.

Second. It shall also be registered in a book, to be kept according to the form contained in Appendix (D).

notice to be given to the village on which the claim is made to make answer.

VIII. *First.* When such application is received, the commissioners shall, by a written notice, copies of which shall also be fixed up in conspicuous places in the village, inform the patel of the village against which the claim is made, of the boundary in dispute, as claimed by the other village; and shall call upon him, on or before a day to be fixed, to state the claim of his village, by a written application, similar to that prescribed in Clause First of Section VI. of this Regulation.

Proceedings on the receipt of the answer,

Second. When the said written application has been delivered, the commission shall proceed to investigate and decide the dispute, by taking such evidence, and considering such proofs as may be adduced by the parties.

and in default of the receipt of the same by the time fixed, which may however be extended.

Third. But if the written application be not delivered within the period fixed, the commission shall proceed ex parte by means of such evidence and proof as may be before it. But this is not to preclude an extension of the period for good reasons.

Witnesses may be examined on oath or admonished, and for false evidence shall be punished as for perjury.

IX. *First.* Whenever witnesses are examined by the commissioners, the evidence may be taken in either of the modes prescribed in Regulation IV. A.D. 1827, Section XXXIV.; and a witness wilfully giving false evidence before them shall be liable to the punishment of perjury.

Evidence to be vivâ voce, and notes to be taken in English.

Second. The witnesses shall be examined vivâ voce, and notes of all material parts of their evidence shall be taken down, and put on record in the English language, and signed by the commissioners.

Process and judgments of the commission in what language to be written and how to be recorded.

X. *First.* Notices, orders, and judgments of the commission, and applications made to it, shall be in the language of the country in which it acts, and copies shall be recorded on its proceedings, which latter shall be in English.

Substance of its judgments, which, with all other papers, may be procured by the parties.

Second. Each judgment shall recite not only the decision, but the reasons for it; and a copy of it, as well as of any other part of its proceedings, shall be furnished, if applied for, to either party.

An award before decision to regulate the judgment.

XI. If an award of arbitrators, accompanied by a deed of reference, according to the provisions of Regulation VII. A.D. 1827, Section III., respecting any matter before the commission, be produced previously to its passing judgment, the commission shall cease from investigation, and shall pass judgment conformably to the award.

Records of the commission to be deposited at its close, or before, if convenient, in the Adawlut.

XII. *First.* When the functions of the commission cease in any zillah, the whole of the records of its proceedings, as to claims regarding boundaries of land, shall be deposited with the record of civil proceedings in the Adawlut of the zillah, but such parts of them as are no longer required for the purpose of the commission may be deposited with the said record before that period.

The collector being at liberty to take copies.

Second. And the collector of the zillah shall be at liberty to take copies of the whole, or any part of these proceedings, after they have been so deposited.

CHAPTER III.

OF EXECUTING AND APPEALING FROM THE JUDGMENTS OF THE COMMISSION.

See Act III. 1846.

XIII. When judgment has been given, the commissioners shall cause the landmarks to be fixed in conformity thereto, which landmarks shall be held to define the true boundary, unless the judgment be appealed from, as hereinafter specified.

Landmarks to be fixed after judgment, which is final,

XIV. The judgment of the commissioners shall be final, unless an appeal therefrom be presented to the judge of the zillah within ninety days from the date of such judgment.

unless an appeal be made to the zillah judge within ninety days.

XV. *First.* Appeals from judgments of the commissioners shall be received and tried by the judge of the zillah, and shall be subject to the same rules, with the exception specified in the preceding section, as to institution, trial, and further appeal, as appeals from decrees in suits originally tried by a senior assistant judge.

Appeals how to be received and tried,

Second. The judge of the zillah, on receiving an appeal from a judgment, the proceedings and records of which have not already been forwarded to him, shall issue a precept to the commission for transmission of the same.

and the proceedings of the commission how procured.

XVI. And if the decree finally passed in appeal determine other boundaries than those specified in the judgment of the commission, the zillah judge shall issue a precept addressed to the commission, if it be still acting; and if it be no longer acting, to the collector of the zillah, by whom respectively new landmarks shall be placed on the disputed boundary, conformably to the decree of the court.

Decree of the Zillah Court how to be executed.

APPENDIX (A).

FORM OF PROCLAMATION.

Appendix (A).

The Honourable the Governor in Council having granted a commission under date —— day of ——, to ——— and ———, as commissioners for hearing and deciding disputes between villages in the zillah of ——— (or district of ———, as the case may require), respecting their boundaries; be it therefore known that the said commissioners, or such others as may hereafter be appointed by order of Government, will proceed throughout the said zillah (or district), and in the course of their progress will be ready to hear and decide all disputes between villages, regarding their boundaries, that may be brought before them, either as arbitrators, where the parties mutually agree to that mode of adjustment, or by trial in all other cases, that so disputes may cease, and each village enjoy its own land in peace.

And be it further known, that whenever villages may have settled their boundaries by agreement between themselves, or by arbitration, before the arrival of the commission in such villages, the settlement so made will be respected.

Dated at ——, this —— day of ——.

(Signed) By the collector.

APPENDIX (B).

Appendix (B).

OATH OF THE COMMISSIONER.

See Act XXI. 1837.

I, ———, appointed commissioner for hearing and deciding disputes between villages in the zillah of ——— (or district of ———, as the case may require), respecting their boundaries, do solemnly swear, that I will perform the duties of my office with impartiality and integrity, to the best of my knowledge and abilities.—So help me God.

(Signed) By the commissioner.

APPENDIX (C).

Appendix (C).

FORM OF NOTICE.

To A. B., head patel of the village of ———. Take notice, that the boundary of the village of ——— will be marked out on the ——— day of ———, or following days; you will therefore attend with the accountant and watchmen of your village, and others acquainted with the boundary, or possessed of any information on the subject thereof, in order that the true limits may be accurately pointed out.

And you will further take notice, that, if any difference exists respecting the true boundary of your village, in so far as it meets the boundary of the said village of ——— (or any of the adjacent villages, as the case may require), such difference, if not settled by mutual agreement, may either be referred to the decision of arbitrators mutually chosen, or of the commissioners, or either of them, as arbitrators, or either party may enter their claim for trial before the commission, which will be ready to investigate it.

But you will take notice that, unless on or before the period fixed for defining the boundary, you either produce to the commission a deed of reference of any matter in dispute, with an award of arbitrators thereupon, or refer the same to the commissioners, or either of them, as arbitrators, or enter your claim to be tried by the commission, the commission will proceed to ascertain the boundary, and to fix the landmarks according to the information which it may be able to obtain; and the said landmarks will be held to define the true boundary of the village of ———, unless altered by a decree passed on an appeal therefrom.

Dated at

(Signed) By one of the commissioners.

APPENDIX (D).

Appendix (D).

Register of Claims preferred to the Commission for deciding boundary disputes in the zillah of ———, or district of ———, as the case may require.

No. of Claim.	Date on which preferred.	Village claiming.	Village affected by the Claim.	Extent and Value of the Land claimed.	How settled.
1.	Feb. 1, 1828	Waana -	Kelumpoor -	300 begas of pasture land,	By arbitration, 25 given to Waana, 275 to Kelumpoor.

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1827. REGULATION XI.

Reg. XI. 1827.

CONSISTING OF THREE (3) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of Persons subject to the Operation of the Regulations on Criminal Judicature, and of the Circumstances under which they are respectively subject to that Operation	I.
II.	Of Refugees from foreign Countries, both Natives of India and others, charged with having committed Crimes or Offences before they quitted those Countries	V.
III.	Of Rules applicable to Emigrants, and the Descendants of Emigrants in general	VIII.

A REGULATION *for defining the Persons subject to the Operation of the Regulations on Criminal Judicature, under what circumstances Foreigners may be given up to the Government to which they belong, and under what circumstances Government may exercise a control over the Residence and Persons of Emigrants and their Descendants:* PASSED *by the Governor in Council, on the* 1*st January*, 1827.

Preamble.

WHEREAS justice and good faith require that the application of all penal and restrictive enactments should be clearly and accurately particularized, and whereas it is therefore essential to define the persons subject to the operation of the Regulations on Criminal Judicature, and the circumstances under which they are respectively subject to that operation, and to specify the peculiar liabilities, both of refugees from foreign countries charged with having committed crimes or offences before they quitted such countries, and of emigrants and the descendants of emigrants in general; —the following Rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

OF PERSONS SUBJECT TO THE OPERATION OF THE REGULATIONS ON CRIMINAL JUDICATURE, AND OF THE CIRCUMSTANCES UNDER WHICH THEY ARE RESPECTIVELY SUBJECT TO THAT OPERATION.

All persons in the zillahs subject to the Criminal Regulations, except British-born subjects, and persons liable to criminal courts-martial, or specially exempted.

I. *First.* All persons within the zillahs subordinate to Bombay are subject to the Regulations on Criminal Judicature, with the exception of British-born subjects,* persons subject to the Military Criminal Code, to the extent to which Regulation XXII. A.D. 1827, exempts them from the operation of the ordinary criminal law; and persons who may, under

* See Clause Second, Section x. and Section xi. Reg. XII. 1827.

the authority of Government, be specially exempted either wholly or in part from the operation of the said Regulations.

Second. [Special exemption of the Nawaub of Surat and his relations and servants.] *Ceased to have effect from the death of the Nawab; see Act XVIII.* 1848.

Persons subject to the laws are for six months after quitting the Bombay zillahs liable for disturbing the tranquillity of foreign states.

II. All persons not British-born subjects, and not specially exempted, as provided in the preceding section, who may have quitted the zillahs subordinate to Bombay, are further subject, for a period of six months from the date when they quitted them, to the provisions of Regulation XIV. A.D. 1827, Section XV., regarding the disturbance of the tranquillity of foreign states.

Native subjects are besides for one year after quitting the Bombay zillahs liable for treason:

III. *First.* Native subjects of the Bombay Government are further subject, for the period of one year after they shall have quitted the zillahs subordinate to Bombay, to the special provisions of Regulation XIV. A.D. 1827, Section XII., regarding treason.

explanation of the term "Native subjects."

Second. The term "native subjects" shall be understood to comprise,

1. Native-born subjects of the Bombay Government.

2. Natives of India who may have become subjects of the Bombay Government by the conquest or cession of the place in which they were born; but such subjects shall be criminally responsible to the law only for acts done by them subsequently to the period of such conquest or cession.

3. Natives of India, not subjects of the Bombay Government, in the civil or military service of the Bombay Government, while actually in such service, and during six months after they shall have quitted the Bombay territories, or (supposing them to be stationed out of the limits of the Bombay territories) after they shall have quitted the service; but it is to be clearly understood, that none of the established courts in the Bombay territories is authorized to take cognizance of any charge against a native military officer, sepoy, trooper, or other person for which he may have been already tried by court-martial.

IV. [Liability of native subjects for crimes and offences committed beyond the Bombay territories.] *Rescinded by Act. I.* 1849, *q. v.*

CHAPTER II.

OF REFUGEES FROM FOREIGN COUNTRIES, BOTH NATIVES OF INDIA AND OTHERS, CHARGED WITH HAVING COMMITTED CRIMES OR OFFENCES BEFORE THEY QUITTED THOSE COUNTRIES.

A native of India offending in a foreign jurisdiction, and taking refuge in the Bombay territories, is to be surrendered if claimed;

V. *First.* Any native of India, not coming under the description of those specified in Section III., against whom an accusation may be brought to the magistrate in whose jurisdiction he is residing, by the established foreign authority in the district which he has quitted, charging him with a crime or offence committed in such district, shall, if the magistrate shall be of opinion that there are grounds for believing the accused to be guilty of the crime or offence alleged against him, be delivered up to the authority in whose jurisdiction it was committed.

but in certain cases the special orders of Government are requisite.

Second. But if he shall have been residing within the zillahs subordinate to Bombay for the space of six months, or if the alleged offence should have been committed six months before the charge was preferred, or should be

See Act I. 1849

of a political nature, or of the nature of a fraud or other direct injury towards the ruling authority by whom the accusation is preferred, the magistrate shall report the case to Government, and act according to its directions in respect to the surrender of the individual accused.

Third. Nothing contained in the preceding clauses of this section shall be understood to oppose the surrender to a foreign prince of any of his subjects taking refuge in any of the zillahs subordinate to Bombay, according to such directions as may be issued by the Governor in Council, with the view of conforming to the terms of a treaty existing between the British Government and such foreign prince.

The subjects of foreign princes must also be surrendered, if a treaty exists, on order of Government.

VI. If any person, not a native of India nor a British-born subject, should be charged before the magistrate in whose jurisdiction he is residing by the established foreign authority in the district which he has quitted, with a crime or offence committed in such district, the magistrate shall refer the case to the Governor in Council, and act according to his directions in regard to the surrender of the individual accused.

A refugee not a native of India nor a British-born subject, will be surrendered or not, according to the directions of Government.

VII. If a complaint of the nature and under the circumstances stated in the preceding section be brought against a British-born subject, the case shall be proceeded in according to Regulation XII. A.D. 1827, Section X. Clause Second.

A British-born subject will be proceeded against according to the English law.

CHAPTER III.

OF RULES APPLICABLE TO EMIGRANTS AND THE DESCENDANTS OF EMIGRANTS IN GENERAL.

VIII. *First.* Whenever the Governor in Council, upon due investigation, shall be satisfied that emigrants from any country bordering upon the zillahs subordinate to Bombay, who have sought an asylum in the said zillahs, or the descendants of any of the said emigrants, have abused the protection afforded to them by attempts to excite disturbances in the state from which they or their ancestors may have emigrated, it shall be competent to the Governor in Council to order the removal of those persons, or any of them, to such other part or parts of the country as may be judged most convenient for their future residence: in like manner it shall be competent to the Governor in Council to order such removal, whenever he may have grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity of the frontier of the country from which they or their ancestors may have emigrated, is likely to cause any serious misunderstanding between that state and the British Government.

Emigrants and their descendants are removable by Government,

Second. Nothing contained in the preceding clause shall be understood to deprive the persons to whom it relates of the right to quit the Bombay territories whenever they shall be so disposed.

being always at liberty to leave the Bombay territories;

Third. In cases in which the Governor in Council may, on due inquiry and mature deliberation, be satisfied that either the preservation of the tranquillity of the British territories, or of the dominions of the allies of the British Government, or the maintenance of the relations of amity subsisting between the British Government and other states, requires that any of the leaders or other persons of the above description who may have committed the offences mentioned in Clause First of this section should be placed and detained under restraint, it shall be competent to the Governor in Council

but leaders or others who have excited disturbances may be confined as state prisoners.

to order any such persons, having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement, at such place and under the custody of such public officer as he may deem expedient, and detained in confinement in conformity to the Rules provided for the confinement of state prisoners. See Reg. XXV. 1827.

APPENDIX (A).

Appendix (A). Extract from the Treaty between the British Government and the Nawab of Surat, dated the 13th of May, 1800.

[*This extract of the treaty, which, under Act XVIII.* 1848, *ceased to have effect from the death of the Nawab, is printed as Appendix (F) to Reg. II.* 1827, *page* 26.]

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1827. REGULATION XII.

Reg. XII. 1827.

CONSISTING OF SIX (6) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Establishment for the Administration of Police	I.
II.	Of the ordinary Duties of the Zillah Magistrate, comprising— Rules for the Seizure and Disposal of Offenders and stolen Articles : Punishments which the Magistrate is authorized to adjudge, with the mode of conducting and recording Trials and Procedure : Communication to be made between Magistrates for purposes of Co-operation : The Duty and Authority of the Magistrate to protect the Community, and institute and enforce miscellaneous Rules for its Benefit and Comfort, and for the prevention of Vice and Crime : The official Connection of Duties between the Magistrate and the Court of Sudder Foujdary Adawlut, as well as the *Court of Circuit* : Superintendence of subordinate Police officers : Punishment for Contempt of the Magistrate's Authority ...	IX.
III.	Of precautionary Measures for preserving the Peace and preventing Crime, comprising— Recognizance and Security : Expulsion : Dispersing unlawful Meetings : Seizure of unlawful Implements	XXIV.
IV.	Of extraordinary Measures conducive to the Apprehension and Punishment of Offenders, comprising— Aid, Civil and Military : Rewards : Responsibility of Villages and their Police Establishments for Robberies : Attachment of the Property of Fugitives : Banishment of Outlaws	XXXI.
V.	Of the Duty of District Police Officers	XL.
VI.	Of the Duties of the Village Police Officer, or Head of a Village, and of Village Police	XLVIII.
	SUPPLEMENTS.	
	I. Regulation XII. 1828. [Rescinded by Reg. III. 1830.]	
	II. ——— IV. 1830.	
	III. ——— III. 1833.	

A REGULATION *for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing Rules for its Administration, and for defining the Duties and Powers of all Police Authorities and Servants :* PASSED *by the Governor in Council, on the* 1st *January,* 1827.

Preamble.

WHEREAS it is desirable that a system of police should be established throughout the zillahs subordinate to the presidency of Bombay, which

should be founded chiefly on the ancient usages of the country, which, by specifying the duties to be performed, the conduct to be pursued, the powers to be exercised, and the responsibilities incurred by the officers of police, should promote the correct execution of the trust reposed in them, and facilitate an efficient superintendence over their proceedings by the superior authorities in the department of criminal justice, and which should with these views contain provisions constituting establishments for the administration of police, describing the ordinary duties of the zillah magistrate, precautionary measures in preservation of the peace and prevention of crime, and extraordinary measures in prosecution of guilt of an atrocious and dangerous character, and particularizing the duties of district and village police authorities;—the following rules have, therefore, been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

ESTABLISHMENTS FOR THE ADMINISTRATION OF POLICE.

The duties of police to be performed by the judge and collector *as criminal judge and* magistrate, and *their respective* subordinate officers:

I.* The duties of police, as described in the Regulations, shall be conducted by the [*judge and*] collector † of each zillah, under the *respective* designations of [*criminal judge, and*] zillah magistrate, the district police officers, and the heads of villages, in the manner hereinafter enacted.

Rescinded by Sec. i. Reg. IV. 1830.

† See Sec. ii. Reg. V. 1830.

definition of the local police jurisdiction of the *criminal* judge, *which however in certain cases and in matters of process extends* throughout the zillah, *though the aid of the magistrate may be required.*

II.* *First.* [*The tract subject to the police jurisdiction of the criminal judge shall comprise the town at which the Adawlut is situated, and a certain space around, the limits of which shall be determined with the sanction of the Governor in Council, and distinguished by marks; but*] for the cognizance of acts in breach of official duty done by any native officer under the immediate official control of the judge *or criminal judge*, the exclusive magisterial jurisdiction throughout the zillah shall belong to the *criminal* judge, as in corresponding cases the zillah magistrate is in like manner vested under Section III. Clause First, with exclusive jurisdiction in the first instance; [*and further, in summoning witnesses, apprehending perpetrators of offences committed at the Sudder station, or accomplices in cases already before the criminal judge, and in all matters of process in such cases, wherever they may have originated, the criminal judge's police jurisdiction shall extend throughout the zillah; which, however, is not to prevent his having recourse, when convenient, to the assistance of the magistrate of the zillah, in the same manner as he may to the magistrate of any other zillah.*]

Rescinded by Sec. i. Reg. IV. 1830.

See Cl. 2. Sec. i. Reg. IV. 1830.

Police duties of the establishment of the criminal judge, the same as those in the zillah magistrate's department, with a few exceptions in matters of form.

Second. [*The establishment under the criminal judge, both European and native, shall aid him in the functions of police, each officer in his respective capacity; the duties, and rules for conducting them, shall be the same as prescribed for the zillah magistrate's department, except that, in cases wherein the said officer is directed to refer a case, or forward any communication to the criminal judge, the latter will of course proceed direct, as if the same had been done.*]

Superseded by Sec. i. Reg. IV. 1830.

The collector has police jurisdiction over his collectorship, ex-

III.* *First.* The collector of each zillah shall, under the denomination

* Sections i. to iii. were modified in respect of Poonah and Ahmednuggur by Section ii. Regulation XXX. 1827, and these modifications were afterwards extended to the whole presidency by Section i. Regulation IV. 1830, and Act V. 1846.

of zillah magistrate, perform the functions of police, according to the rules prescribed in the sequel, in all parts of the collectorship, except [*the Sudder station of the zillah, as described in Section II. Clause First, and*] any military cantonment which may be placed under the superintendent of bazars, with respect to police, by virtue of Regulation XXII. A.D. 1827, Chapter IV.; but in the cognizance of acts in breach of official duty done by any native officer under his official control in any department, the zillah magistrate shall possess the exclusive magisterial jurisdiction throughout the collectorship, as in corresponding cases the *criminal* judge is in like manner vested under Section II. Clause First, with exclusive magisterial jurisdiction; and further, in summonses and arrests in all cases coming within his cognizance, the zillah magistrate's jurisdiction shall extend throughout the collectorship; which, however, shall not prevent his having recourse, when convenient, to the assistance of the *criminal* judge, in the same manner as he might obtain that of any zillah magistrate.

cept *the tract subject to the criminal judge, and* any part subject to the rules for military police; but in certain cases it is more extensive.

See Sec. I. Reg. IV. 1830.

Second. The zillah magistrate shall use a circular seal one inch and three-quarters in diameter, on which shall be inscribed in the English language and character, as well as those in most common use in the zillah, "The Magistrate of the Zillah of ———."

His seal:

See Cl. 4, Sec. II. Reg. V. 1830, and Act XIV. 1835.

Third. Assistants to the collector shall act in their respective ranks as assistants to the zillah magistrate, and shall use his seal; they may be deputed by him to perform any part of his duties, the magistrate having full power to mitigate or annul sentences passed by them, and to recall, at any stage of proceeding, matters referred to them; and all ministerial officers on the collector's and village establishment may be employed in executing any police process or measures.

Duties of the several officers of his establishment, and his general control over them:

Fourth. If the zillah magistrate shall have occasion to ascertain any point of Hindoo or Mahomedan law, he shall procure the requisite information from the law officers on the *criminal* judge's establishment, forwarding the question in writing, which shall be answered in the same manner.

how the assistance of law officers is to be procured.

See Act XXI. 1837, and Act XVI. 1841.

Fifth. The zillah magistrate and each of his assistants shall, previously to executing any of the functions of their offices, take and subscribe before the Governor in Council, or any person whom he may commission to administer it, the oath in Appendix (A), and shall also, as soon as possible, qualify himself as a justice of the peace.

Oath of the magistrate and his assistants.

Rescinded by Sec. I. Reg. IV. 1830.

IV. It is to be understood that, in case of an assistant [*to a criminal judge or*] collector being in charge of the department, the functions of police are among the duties which by virtue of the Regulations relating to those departments will devolve upon the said assistant.

In case of absence, assistants succeed to the duties of principals.

V. Each native collector of a district shall have charge of the police thereof, and shall perform the duties specified in Chapter V.; and in districts, where there is no such native collector, the zillah magistrate shall, with the sanction of the Governor in Council, appoint a district police officer to perform the said duties; in which latter case the officer shall be furnished with a written commission in the form of Appendix (B), which may be recalled at the pleasure of the Governor in Council.

Each native collector of a district is the district police officer, and where there is no such individual, an officer to be appointed by sunnud, revocable by Government at pleasure.

VI. *First.* The police of each village shall be under charge of the patel, or chief manager of the revenue thereof, and shall be conducted as

The head of each village is the village po-

lice officer, and will be furnished with a written commission: his duties while he is absent may be done by another, who however cannot punish:

prescribed in Chapter VI.; this officer shall be furnished with a written commission in the form of Appendix (C); but in the event of his occasional absence, the duties, with the exception of adjudging punishments, shall be carried on by the person next to him in responsibility and influence at the village.

when revenue arrangements do not indicate one person as police officer, such individual shall be selected by the magistrate.

Second. When the village revenue management is divided among different persons, the magistrate shall select one of them to take charge of the police; and if the revenue arrangements are of such nature as not to devolve particularly on any person resident at the village, the magistrate shall select some one residing therein to perform the duty.

and special arrangements may be made for the police of towns and large villages.

VII. At towns or places where, from the extent of the population or nature of its occupations, the police cannot be conducted by a village head, as prescribed in the preceding section, the zillah magistrate shall provide for the care of the same, by appointing, with the sanction of Government, either an officer in the manner and holding the authority directed for district police officers in Section V., or a sufficient number of inferior officers in the manner and holding the authority directed for heads of villages in Section VI., or both of these together; the rules of subordination between them being those enacted for the above-quoted officers.

Misconduct of native police officers is punishable civilly and criminally:

VIII. *First.* Bribery, extortion, and generally all acts of abuse or misapplication of authority, or other misconduct committed by native officers in the police department, shall be punishable as criminal offences with fine, ordinary imprisonment without labour for a period not exceeding seven (7) years, and public disgrace, either singly or combined; and the receipt of a present directly or indirectly by any such officer from any person against whom or in whose behalf he may be officially employed, shall be considered extortion; and further, punishments adjudged under this clause shall not preclude any other prosecution, civil or criminal, to which the offender may be liable.

the powers of the *magistrate* and *criminal* judge being extended in these cases:

Second. In the cognizance of the offences specified in the preceding clause, the penal jurisdiction of the [*magistrate and**] *criminal* judge shall be as specified in Regulation XVI. A.D. 1827, Section XI. Clause Fourth.

Native officers on the zillah magistrate's establishment are subject in the police department to the same rules as they would be in the revenue, even if only employed in the former.

Third. Native officers on the revenue establishment, and employed in the police department, shall also be subject to the authority of the magistrate, in case of misconduct relating to their duties in the police department, in the same way as they would have been had the act or omission related to revenue duties; and suspension and dismissal of a police officer, who is not employed in the revenue department, may take place under the same rules as if he were so employed.

Corruption or criminality on the part of a covenanted servant in his department, to be reported by the magistrate to Government.

Fourth. And if information be laid on *oath* before a zillah magistrate that any covenanted servant of the Company, who is or has been employed in the revenue or police management of the zillah, has been guilty of corruption, he shall forward a copy of the deposition, with any observations he may have to offer, to the Governor in Council, who will direct such investigation and proceeding as he may deem requisite, and, if he should judge it expedient, will in the mean time cause the officer accused to be suspended from the exercise of his duties.

* Such part of this clause as relates to the penal jurisdiction of magistrates is rescinded by Act XXV. 1839, and the offences specified in this section are declared cognizable by them and their assistants, under their general powers.

CHAPTER II.

OF THE ORDINARY DUTIES OF THE ZILLAH MAGISTRATE; COMPRISING,

IX. to XII. *Rules for the seizure and disposal of offenders and stolen articles:*

XIII. XIV. *Punishments which the magistrate is authorized to adjudge, with the mode of conducting and recording trials, and procedure:*

XV. *Communications to be made between magistrates for purposes of co-operation:*

XVI. to XX. *The duty and authority of the magistrate to protect the community, and to institute and enforce miscellaneous rules for its benefit and comfort, and for the prevention of vice and crime:*

XXI. *The official connection of duties between the magistrate and the Court of Sudder Foujdary Adawlut, as well as the Court of Circuit:*

XXII. *Superintendence of subordinate police officers:*

XXIII. *Punishments for contempt of the magistrate's authority.*

The magistrate to cause to appear before him any person charged with an offence committed within his jurisdiction;

IX. *First.* When the magistrate has reason to believe, either from his personal knowledge or information communicated to him, that any person within his jurisdiction, and subject thereto, has committed an offence of a penal nature therein, he shall cause the said person to attend before him and answer for the same, in the manner hereinafter enacted in Section XII.

if possible, by summons grounded on sworn information: the summons how to be enforced, and security when to be taken;

Second. The above information shall, if circumstances permit, be recorded in the form of a deposition, and the attendance of the alleged offender shall be procured by issuing a summons in the form of Appendix (D), with an order thereon addressed to the officer employed to execute it, and stating whether the party's immediate attendance is required, or whether recognizance or security may be accepted, and to what extent: the circumstances under which the said recognizance or security may be accepted will be found detailed in the Sections from XXIV. to XXVII. of this Regulation.

In cases of exigency, written process may be dispensed with,

Third. But every police officer is authorized, without written process, to seize an offender detected in the fact, or a person under circumstances of evident suspicion, as also are individuals not in official employ, when there are reasonable grounds for supposing that such offender or person would abscond, and the magistrate may further thus direct the apprehension of persons whose names are not known, or when circumstances prevent the issuing of formal process.

stolen property to be searched for as offenders are apprehended;

Fourth. Property supposed to be stolen, or required in evidence, may be brought before the magistrate in the same manner as prescribed in the two last preceding clauses for procuring the attendance of individuals, a description of the articles being substituted for the personal address of the individual, when written process is issued; provided always, that dwelling-houses shall not be entered in search for the same between sunset and the ensuing sunrise, without urgent occasion, and that every precaution, consistent with the object in view, be taken to avoid infringing on domestic or religious privacy; and provided also, that the houses of persons of the more respectable classes of society shall be exempt from search, on their engaging to make the search themselves, unless there should exist suspicion of connivance, resting on reasonable grounds.

the search in dwelling-houses being, except in cases of necessity, by day, and with consideration.

Refugee offenders with stolen property, if the offence were committed beyond the British territories, to be dealt with as prescribed by Regulation XI., otherwise measures to be concerted with the proper police authority.

X. *First.* If the magistrate shall have reason to believe that a person having committed an offence beyond the limits of his jurisdiction has taken refuge therein, or that stolen property has been brought therein, he shall secure such person or property, and, if the offence have been committed beyond the limits of the presidency of Bombay and its subordinate territories, shall regulate his proceedings according to such of the provisions of Regulation XI. A.D. 1827, Sections *IV.** V. VI. and VII. as may be applicable to the case; but, if the offence have been committed within the said presidency, or its subordinate territories, he shall forward information to the magistrate within whose jurisdiction the offence is supposed to have been perpetrated, and co-operate with him in furthering the ends of justice according to the Regulations, in such way as the case may require.

*Rescinded. See Act 1. 1849.

Offenders who are British-born subjects, and not subject to military police, to be apprehended, and forwarded to Bombay, with a report to Government.

Second. If the magistrate shall have reason to believe that a British-born subject, not liable to the criminal jurisdiction of a court-martial, as enacted in *4th Geo. IV. chap.* 81, *sec.* 2, has committed an offence which may render him an object of a criminal prosecution in the Bombay court of judicature, he shall cause him to be apprehended, and after satisfying himself by means of evidence that there are good grounds for supposing the offence to have been committed, he shall forward the said offender in safe custody to the senior magistrate of the police at Bombay, with a record of the evidence on which he acts, and report the case to the Governor in Council, who will direct the expenses incurred to be defrayed.

Repealed.—Substitute 3 & 4 Vict. cap. 37, Sec. 2.

Europeans and Americans found without authority in the zillah, to be apprehended as Government may order.

*Third.** The magistrate shall execute such orders as he may receive from the Governor in Council, as to arresting and conveying to the presidency

See Act IV. 1837.

* The operation of this clause is affected by the following sections of 3 & 4 Wm. IV. cap. 85.—Ed.

Authority for his Majesty's subjects to reside in certain parts of India without license.

LXXXI. And be it enacted, that it shall be lawful for any natural-born subjects of his Majesty to proceed by sea to any port or place having a custom-house establishment within the said territories, and to reside thereat, or to proceed to, and reside in, or pass through any part of such of the said territories as were under the government of the said Company on the first day of January, one thousand eight hundred, and in any part of the countries ceded by the Nabob of the Carnatic, of the province of Cuttack, and of the settlements of Singapore and Malacca, without any license whatever: provided that all subjects of his Majesty not natives of the said territories shall, on their arrival in any part of the said territories from any port or place not within the said territories, make known, in writing, their names, places of destination, and objects of pursuit in India, to the chief officer of the Customs, or other officer authorized for that purpose, at such port or place as aforesaid.

Subjects of his Majesty not to reside in certain parts of India without license.

LXXXII. Provided always, and be it enacted, that it shall not be lawful for any subject of his Majesty, except the servants of the said Company and others now lawfully authorized to reside in the said territories, to enter the same by land, or to proceed to or reside in any place or places in such parts of the said territories as are not hereinbefore in that behalf mentioned, without license from the said Board of Commissioners, or the said Court of Directors, or the said Governor-General in Council, or a Governor or a Governor in Council of any of the said presidencies for that purpose first obtained: provided always, that no license given to any natural-born subject of his Majesty to reside in parts of the territories not open to all such subjects shall be determined or revoked, unless in accordance with the terms of some express clause of revocation or determination in such license contained.

The Governor-General in Council, with previous consent of Directors, may declare other places open.

LXXXIII. Provided always, and be it enacted, that it shall be lawful for the said Governor-General in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places whatever within the said territories open to all his Majesty's natural-born subjects; and it shall be thenceforth lawful for any of his Majesty's natural-born subjects to proceed to, or reside in, or pass through any place or places declared open, without any license whatever.

Europeans and Americans found within his jurisdiction without passports or licenses.

Fourth. The magistrate shall arrest and deliver up at the nearest military post deserters from His Majesty's or the Company's military service, who may be found within his jurisdiction.

deserters to be delivered up to military authority,

Fifth. If the magistrate has reason to believe that an offence of a political nature, such as described in Regulation XIV. A.D. 1827, Chapter III. has been committed by a person to be found within his jurisdiction, he shall cause him to be placed in secure custody, and report the circumstances of the case to the Governor in Council for his instructions.

and offenders against the state to be kept in close custody, during a reference to Government.

XI. In cases of assaults committed by British-born subjects on natives, at a greater distance than ten (10) miles from the presidency, rules of procedure are enacted in Act 53rd Geo. III. chap. 155, sec. 105; but persons under military command, and at a greater distance than 120 miles from the presidency, are exempted from the operation of those rules by *Act 4th Geo. IV. chap.* 81, *sec.* 2.

Assaults by British-born subjects are cognizable in some cases by the magistrate, and in others by the military police authority.

Substitute 3 & 4 Vict. cap. 37, Sec. 2.

XII. *First.* When a person has been apprehended, according to the provisions of Clause First of Section IX., if the offence be of a political nature, as alluded to in the fifth clause of Section X., the magistrate shall act as therein directed; otherwise he shall proceed to trial of the same, and, if it appear to him that the prisoner is guilty, and that the extent of punishment which the magistrate is authorized to inflict (as set forth in the succeeding section) is adequate to the offence, he shall pronounce sentence accordingly; otherwise, he shall forward the prisoner to the *criminal* judge of the zillah, with a copy of the proceedings prescribed in Section XIV., and all the original written exhibits and articles which may have been made or produced before the magistrate as evidence.

The magistrate investigates all offences not of a political nature committed within his local jurisdiction, and if the charge is proved, adjudges punishment if within his penal jurisdiction, otherwise transmits the prisoner to higher authority:

See Regs. III. and IV. 1830.

Second. Provided always, that if in the course of the trial the offence appear to be such as requires to be referred to the *criminal* judge, and the zillah magistrate should see reason to believe that it was committed by the prisoner, the case may be forwarded to the *criminal* judge as above described, without waiting completion of trial or any further proceedings than may at the time have been held; and on the other hand, that if the magistrate see no reason to suppose the prisoner guilty, he shall discharge him accordingly, without however such liberation operating as an acquittal in exempting the party from future prosecution, if the act be of such nature as to require reference to the *criminal* judge.

if the charge be evidently of a high nature, the prisoner to be transmitted for trial as soon as probable grounds of his guilt appear; or if dismissed as guiltless by the magistrate, he may still be hereafter prosecuted before higher authority.

XIII.* *First.* The magistrate is authorized to adjudge sentences of the following nature and extent, to be enforced in the manner, and for the offences prescribed for each respectively in the Regulations: fine, ordinary imprisonment *without labour not exceeding two* (2) *months*, flogging not exceeding thirty (30) stripes, and personal restraint; any of which may be combined; and it shall be competent to the magistrate to award such fine, or any part of it, in compensation to the party who may have been injured: sentences which include imprisonment shall be executed by the *criminal*

Magistrate's penal jurisdiction, fine as enforced by imprisonment in commutation *not exceeding two months*, flogging, thirty stripes, and personal restraint; imprisonment to be enforced by the *criminal* judge:

Extended by Sec. iii. Reg. IV. 1830.

Extended to session judges by Act IX. 1838.

* Modified as respects Poonah and Ahmednuggur by Clause Second, Section ii. and Section iii. Regulation XXX. 1827; which modifications were afterwards partly superseded and partly extended generally by Regulations III. and IV. 1830.

judge, to whom the convict shall be forwarded, with a description of the sentence in the form of Appendix (E), according to which, the execution being made and endorsed, as directed in the case of warrants in Regulation XIII. A.D. 1827, Section XV. Clause First, the document shall be kept on record by the *criminal* judge.

the magistrate's penal jurisdiction may be extended by Government to imprisonment for six months, on proclamation made, and the same rule applies to assistants:

Second. When the state of police in any zillah may render it desirable that the authority of the zillah magistrate should be increased, the limit of imprisonment prescribed in the preceding clause may be extended to any period not exceeding six months, on Government issuing a proclamation in the form of Appendix (F), to be forwarded through the medium of the Court of Sudder Foujdary Adawlut to the criminal judge and zillah magistrate, each of whom shall keep a translation, in the language commonly used in his jurisdiction, conspicuously placed in the most public office of his department, as well as that of each district or division under his charge; and a similar extent of authority may be conferred in like manner on any of the magistrate's assistants, whose penal jurisdiction shall otherwise be as described in the preceding clause, except that the first assistant shall alone have authority to adjudge corporal punishment, and only for theft. Superseded by Sec. iii. Reg. IV. 1830.

authority to commit for trial before the *Court of Circuit* may in like manner be given to a magistrate, who may delegate it to his assistants: mode of exercising it, and duties of the *criminal* judge in those cases.

Third. The Governor in Council may also, whenever he may deem it expedient, confer on any zillah magistrate authority to commit offenders to be tried before a *Court of Circuit*, by a proclamation, in the form of Appendix (G), issued and published in the manner above stated, in which case the said authority of commitment may be delegated by the magistrate to any of his assistants, in the same way as matters within his ordinary jurisdiction; and when a commitment is thus made by the magistrate, or his assistant, he shall transmit to the *criminal judge of the zillah** the prisoner, unless admitted to bail, with a record of his proceedings and the exhibits as directed to be prepared for trials before the *Court of Circuit* in Regulation XIII. A.D. 1827, Chapter III.; he shall also take the measures prescribed in that chapter for procuring the attendance of witnesses and parties, transmitting to the *criminal* judge every person, exhibit, or article requisite to be produced at the trial, and to be placed in custody in the interim; and the *criminal* judge shall bring up such cases for trial in the same manner, and shall also in the interim perform such functions of receiving additional evidence, accepting bail, or other offices connected with each case, as he would have executed had the commitment been made by himself, except that he shall not for any reason discharge the prisoner. See Sec. vi. Reg. XXX. 1827; Reg. XI. 1828, and Sec. vi. Reg. III. 1830.

Trials before the magistrate to be conducted and recorded like other trials;

XIV. Trials before the zillah magistrate shall be conducted according to the rules prescribed for criminal courts in general in Regulation XIII. A.D. 1827, Chapter VI.; but *Clause Sixth of Section XXXVIII. of the said Regulation, which directs that the law officer's exposition of the law be taken*, shall, with regard to the magistrate, have operation only on the trial of an offence against the religious law of the prisoner, as described in the concluding sentence in the first clause of Section I. Regulation XIV. A.D. 1827: records shall be kept by the magistrate similar to those described in the three first clauses of Section XIV. Regulation XIII. A.D. 1827, the offices therein directed to be performed by the serishtadar Rescinded by Sec. viii. Reg. VIII. 1831.

* Session judge or assistant judge at a detached station. See Sections iii. and vi. Regulation III. 1830.

and record-keeper being discharged by any person to whom the magistrate may entrust them: but if a sentence in any particular case do not exceed one week's imprisonment and six stripes, it shall not be incumbent on the magistrate to record more than the name of the convict, the offence proved, and the punishment, with the respective dates.

but trivial cases do not require detailed records.

XV. *First.* If a magistrate require the evidence of a person, or the production of an article situated beyond his jurisdiction, he shall adopt the measures described in Regulation XIII. A.D. 1827, Section XXXIV. Clauses Second and Third; which proceeding shall also be applicable to the apprehension of offenders who may have quitted the zillah wherein the offences may have been committed; and if the circumstances be such that the parties cannot be named in the summons, information conveyed in a letter shall be sufficient authority for the magistrate of the zillah in which they are found to act according to the provisions of Section X. Clause First of this Regulation, and to forward the persons so seized direct to the magistrate from whom the information was received; and the authority provided in the third clause of Section IX. to effect apprehension without formal warrant is equally applicable to such cases as are the subject of this clause.

Persons and property beyond his jurisdiction to be procured by the magistrate on application to the proper police authority, who will act as in ordinary cases.

Second. Magistrates shall reciprocally communicate to each other all matters involving the peace of each other's jurisdiction, and they shall execute for each other in their respective jurisdictions all process, which each respectively would have authority to execute within his own jurisdiction, in which case the magistrate who makes the requisition shall furnish whatever written form may be required in such cases, or if none be prescribed in the Regulations, then some document descriptive of the process, which the magistrate who executes it shall return endorsed, with a description of the mode in which it has been performed, or the reasons which prevented it.

Magistrates will grant each other reciprocal aid in receiving and enforcing each other's process, and requisitions,

Third. But if a magistrate, when applied to for co-operation, by virtue of the preceding clauses of this section, shall deem the same incompatible with the good order and welfare of the zillah under his charge, this objection shall not be stated as a return to any process sent to him for execution, but he shall acquaint therewith the magistrate from whom it was received, without proceeding to execution, and if they should be unable to arrange a mode of procedure in which they can concur, the case may be referred to the Court of Sudder Foujdary Adawlut for its final order.

but any magistrate may decline compliance by letter, and official reference may be made to the Sudder Foujdary Adawlut.

XVI. *First.* If the magistrate shall have reason to suppose that any breach of the peace, or illegal act calculated to lead thereto, such as the forcible possession of disputed property, or the unauthorized removal of marks set up to denote boundaries, be likely to occur, he shall take precautionary measures to prevent the same by means of recognizance or security, as prescribed in Sections from XXIV. to XXVII. both inclusive, if injunction be not deemed sufficient; and for this purpose he may cause the person suspected to be brought before him by the same process as would be used in the case of an alleged offender.

The magistrate may employ precautionary measures in preservation of the peace when disputes are anticipated,

Second. But the interference of the magistrate in such cases shall by no means affect or confer any proprietary title or ulterior right; being intended, when such may be disputed, only to preserve the peace until decision and enforcement by the civil court.

but the right to any property or privilege thus disputed is not thereby affected.

Persons pressing begarees to be brought to justice, well-grounded complaints being encouraged.

XVII. *First.* The pressing of coolees or begarees is hereby strictly prohibited, and it shall be an imperative duty of the magistrate to take instant cognizance of all such offences, and inflict punishment on the offenders, according to the rules contained in the succeeding clauses of this section; unless the complainant prefer instituting a civil action, and the case be not of an aggravated nature as contemplated in Clause Fifth: the magistrate is further directed to give every publicity to the said rules, so as to ensure, in every instance of their violation, a communication of the occurrence.

The offence how defined,

Second. Pressing is defined to be the compelling a person to serve as porter or guide by means of personal violence, as blows, or such a treatment as produces corporal pain or injury; or by means of violence to property, as seizing or injuring any article belonging to him, or in his occupation; or by means of threats expressed in words, or conveyed by conduct denoting an intention to inflict some injury to person or property apparently in the power of the culprit to effect.

and punished when the offender is not a British-born subject;

Third. Any person committing the offence defined in the preceding clause shall, if he be subject to the magistrate's regular jurisdiction, be punishable according to the following scale:—

—	If the act be accompanied with personal violence.	If with violence to property.	If with threats.
If the culprit be attended by a servant,	Fine of 40 rupees,	Fine of 30 rupees,	Fine of 25 rupees.
	Commutable, if not paid, to one day's imprisonment for 5 rupees of fine.		
If he be not attended by a servant,	Fine of 8 rupees,	Fine of 7 rupees,	Fine of 5 rupees.
	Commutable, as above, to one day's imprisonment for each rupee of fine.		
If he be a principal servant (khidmutgar),	Fine of 15 rupees,	Fine of 13 rupees,	Fine of 9 rupees.
	Commutable, as above, to imprisonment for		
	8 days,	7 days,	5 days.
If he be a servant of lower order than the preceding,	Fine of 8 rupees,	Fine of 7 rupees,	Fine of 5 rupees,
	or, imprisonment for the same number of days, which also, when fine is imposed, constitutes the commutation.		

and when he is;

Fourth. If the offender be a British-born subject, the magistrate shall proceed as authorized by 53 Geo. III. cap. 155, sec. 105, unless the offender be, by virtue of 4 *Geo. IV. cap.* 81, subject to a military court, in which case the magistrate shall furnish the complainant with every possible assistance in prosecuting the matter before such tribunal. Substitute 3 & 4 Vict. cap. 37.

aggravated cases meet severer punishment.

Fifth. It is to be clearly understood, that if, in execution of the offence described in Clause Second, the offender shall have committed any criminal

act requiring severer punishment than is above contemplated, he shall be liable to prosecution and punishment accordingly.

XVIII. *First.* It shall be lawful for the magistrate on occasions of emergency, to compel, for public purposes, the services of tradesmen, artificers, labourers, and generally all persons following the occupation of furnishing labour or articles for hire, at a rate of remuneration not below the highest they may be in the habit of receiving. The magistrate may in some cases compel, for fair remuneration, the labour of workmen,

Second. He shall also have authority to take cognizance of such misconduct on the part of private servants as constitutes a departure from proper demeanour, or a breach of duty. and take cognizance of the misconduct of servants,

Third. And the magistrate may punish the non-compliance and misconduct specified in the two preceding clauses by fine not exceeding ten (10) rupees, or ordinary imprisonment without labour for a period not exceeding fourteen (14) days, or both. by moderate and suitable punishment;

XIX. *First.* It shall be lawful for the magistrate, when the public benefit and comfort is in question, to institute rules respecting dhurrumsalas, liquor-shops, public wells, town gates, and generally all places of public resort, regulating the hours at which they are to be open, the manner in which they are to be used, the equal and appropriate application of their accommodations, and such matters as conduce to maintaining orderly conduct among those who resort to them. he may also make rules for the public benefit in matters not involving private rights, such as the resort to dhurrumsalas, &c.

Second. Also to regulate the exercise of rights to cut firewood, and forage, or derive advantage from unappropriated places or productions. the cutting of firewood and use of forage;

Third to Fifth. [Removal of nuisances and combustible substances.] *Superseded by Act XXI.* 1841.

See Sec. ii. Act I. 1841, in respect of nuisances and sources of danger.

Sixth. In exercising the authority conferred by this section, the magistrate shall commence by issuing an injunction, which, if a particular individual be concerned, shall be personal to him, otherwise it shall be notified by oral proclamation made, and written notice fixed and kept at such place or places as may be best adapted to convey information to the public, or the class concerned; a copy of which shall, at the same time, be forwarded to the Court of Sudder Foujdary Adawlut, and it shall remain in force, unless forbidden by that court: and should any person persist in disobeying the injunction, the magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding one month's computed average income of the culprit, ordinary imprisonment without labour not exceeding one month, personal restraint, or any of these combined. [Expense of removing noxious or dangerous articles or buildings.] *Superseded by Act XXI.* 1841. such rules before enforcement being duly promulgated and submitted to the Sudder Foujdary Adawlut, after which the violation of them is punishable by the magistrate,

Seventh. Provided, however, that, in all questions arising out of the preceding clauses of this section, it shall be competent to any individual who may deem himself possessed of a private right, which cannot equitably be interfered with, to file a suit in the Civil Court against the magistrate to support his claim, and the magistrate, if applied to, shall stay his proceedings for a reasonable period, to allow of such suit being instituted, which shall be tried before the judge, or one of his assistants, exclusively. but persons deeming private rights infringed, may try the case in the Civil Court, before the judge or an assistant.

See Secs. iii. and v. Reg. I. 1830.

Eighth. The magistrate shall always be authorized to take charge of stray animals, and to detain them either at the Sudder station, or at the place where found; and if the owners apply, and pay the expenses incurred The magistrate shall take charge of stray animals, selling them after a period in pay-

ment of expenses incurred, and for the benefit of the owners; also property left without an owner and not otherwise guarded from spoliation,

within two months, the animals shall be returned to them; otherwise they shall be sold by public auction, and the proceeds, after deducting expenses incurred, shall be paid to the owners on demand: the magistrate shall also take charge of property found without an owner, and, if the provisions of Regulation VIII. A.D. 1827, Chapter II. do not apply to the case, shall retain it for the eventual benefit of the said owner, on his defraying any expenses incurred; but at any period, when these may have amounted to the computed value of the property, it may be sold to defray the same.

and keep standards of weights and measures.

XX. The magistrate shall keep standards of such weights and measures as are used in retail dealings throughout the districts under his charge, and they shall be open to the inspection of any one who may desire to examine them.

Enumeration of the magistrate's duties in connection with the *Court of Circuit*,

XXI. *First.* The functions of the zillah magistrate, as relating to *Courts of Circuit*, are detailed in Chapter III. Regulation XIII. A.D. 1827, wherein proclamation of the sessions is prescribed in Section XIX. Clause First, furnishing reports in Clause Third of the same section, and the mode in which the general superintendence of the magistrate's duties and establishment is to be conducted, in Sections XVI. and XVII.

and the Court of Sudder Foujdary Adawlut.

Second. The functions of the zillah magistrate, as relating to the Court of Sudder Foujdary Adawlut, are detailed in Section XXIX. of the above-quoted Regulation, wherein the furnishing of records is prescribed in the first and second clauses, furnishing information and procuring evidence in the third clause, revision of sentences in the fourth clause, and miscellaneous superintendence of the zillah magistrate's duties and establishment in the fifth and seventh clauses; the zillah magistrate shall also furnish such periodical returns relating to the business of his department as the Court of Sudder Foujdary Adawlut may call for under the immediate instructions of Government.

The zillah magistrate vigilantly to superintend all subordinate police officers and establishments;

XXII. *First.* The zillah magistrate shall vigilantly superintend the conduct of the district and village police officers, and of the establishments subordinate to them; maintaining strict and active discharge of their duties, and attending to all complaints of oppression, injustice, or negligence on their part, which he shall notice by injunction or reprimand, or by bringing the offenders to trial, as directed in the Regulations: he shall receive the returns prescribed to be made by them, and revise their sentences and acts in the manner directed in the Regulations.

misconduct of native officers being punishable as in the revenue department:

Second. And the mode of punishing misconduct of the native establishment, laid down in Section IX. of Regulation XVI. A.D. 1827, shall be applicable also to the police department.

contempt of the lawful authority of police officers punishable by the magistrate.

XXIII. The zillah magistrate shall be authorized to punish by fine, not exceeding one month's computed income of the culprit, or ordinary imprisonment without labour, not exceeding one month, any person guilty of abuse, insolence, or interruption, towards himself or any police officer in the discharge of official duty.

See Act XXI. 1841.

CHAPTER III.

OF PRECAUTIONARY MEASURES FOR PRESERVING THE PEACE AND PREVENTING CRIME; COMPRISING,

XXIV. to XXVII. } *Recognizance and security:*
XXVIII. *Expulsion:*
XXIX. *Dispersing unlawful meetings:*
XXX. *Seizure of unlawful implements.*

Recognizance, its nature and object; to contain a pecuniary penalty, and ordinary imprisonment in commutation,

XXIV. *First.* Recognizance is an engagement by bond for payment of a specific sum of money, with a commutation thereof, in case of non-payment, for a specific period of imprisonment, which is always to be understood as being ordinary, and without hard labour, to be levied in the event of the party breaking the engagement therein contracted, to do, or refrain from doing, some specified act, and the bond shall be in the form of Appendix (H).

and in certain cases hard labour or solitary imprisonment.

Second. But when so directed, in particular cases, for good reasons, a recognizance may be made out, with the penalty of solitary imprisonment, or imprisonment with hard labour, instead of pecuniary forfeiture.

Security, its nature and object:

Third. Security is an engagement entered into by a person or persons by means of such a bond as described in the first clause of this section, that some other person or persons, therein specified, will do, or refrain from doing, an act therein specified, and the bond shall be in the form of Appendix (I).

the authority taking the engagement fixes the number of sureties, the penalty and imprisonment subject to higher authority: no engagement extends beyond five years, nor imprisonment beyond two; but official jurisdiction will not limit it.

Fourth. The number of persons required in any particular case to constitute security, as well as the pecuniary amount of recognizance or security, and the period of imprisonment to be suffered in commutation, shall be at the discretion of the authority before which it is entered into, subject to whatever superintending authority may be constituted by Regulation; but neither a recognizance nor security-bond shall bind the party whose act is in question, for a longer period than five (5) years, unless otherwise directed, for particular cases, by enactment; nor shall a person becoming security be made thereby liable to a longer period of imprisonment than two (2) years; but in determining a period within these limits, the authority acting shall not be confined to any limits which may be fixed to its jurisdiction in adjudging sentences.

Recognizance and security may be taken whenever the magistrate deems fit, and particularly for making witnesses attend; also persons accused, except of murder, and state prisoners, who must be confined, and for general purposes:

XXV. Besides those persons against whom information may exist that there is an intention or probability of their committing a specific illegal act, it shall be lawful for the magistrate to bind over to good conduct any person who from bad reputation, turbulent habits, or other reasonable cause, is considered an object of public distrust. The appearance of witnesses at trials, as well as of persons charged as offenders, shall also be so secured, when the magistrate is satisfied that the bond will be sufficient to secure attendance, except in cases of political offences, as described in Regulation XIV. A.D. 1827, Chapter III. and murder, when the persons accused shall always be kept in confinement, to undergo trial; and generally the performance of, or refraining from, all acts which the magistrate has authority to compel or forbid, may be secured by recognizance or security.

how a person may free himself from recognizance or security,

XXVI. *First.* A party may at any time redeem his recognizance by delivering himself up to the custody of the authority before whom it was entered into, and a person who has become security may at any time redeem the same by delivering up to the said authority the party for whom he so engaged, in furtherance of which object the said authority shall afford him every assistance which the law authorizes for the apprehension of persons situated as the said party may be.

and in case of forfeiture the penalty is adjudged by the trying authority, and if beyond his jurisdiction, the case is referred to the Sudder Foujdary Adawlut.

Second. If a recognizance or security-bond be forfeited, the penalty shall be enforced by the authority to which the ultimate trial of the case to which it relates belongs, in the same way as if the penalty had been a sentence adjudged for a penal offence, proof of the facts which constitute the forfeiture being taken and recorded in the same manner as evidence for a criminal trial; but if such enforcement involve a longer period of imprisonment than the said authority is authorized to adjudge as a sentence, he shall forthwith report the case, with all proceedings held from the commencement, to the Court of Sudder Foujdary Adawlut, without however deferring the enforcement in the interim.

If engagements demanded by the proper authorities are not furnished, imprisonment may be resorted to, but official jurisdiction must not be exceeded without reference to the Sudder Foujdary Adawlut, or other controlling authority:

XXVII. *First.* If a party, from whom recognizance or security has been duly demanded, fail to furnish such as is satisfactory to the authority demanding it, confinement of the person may be resorted to, until the occasion be past; provided always, that when the period of confinement, to which the said authority is limited in adjudging sentences for offences, has elapsed, the case shall be reported to the Court of Sudder Foujdary Adawlut, unless it be of a nature which will occasion its being brought before some other tribunal, in the usual course of trial, when the proceedings will devolve on such other tribunal, as if the recognizance or security had been originally demanded by itself.

also other restrictions may be resorted to, the same being notified to the party, as well as a specified imprisonment on the breach of them.

Second. But the magistrate is not precluded from adopting precautionary measures of a more lenient nature, in the case of a person who may be unable to furnish satisfactory recognizance or security for his attendance; such as, provided the magistrate considers them sufficient for the purpose, allowing the party to remain under the inspection of some trustworthy person possessing influence over his conduct, or at some place of public resort, under charge of persons in usual attendance there; and similar measures may, under similar circumstances, be adopted to secure the good conduct of a suspected person; in which case additional restrictions may be made, as suggested by the party's habits, and the evil apprehended, such as prohibiting his leaving his residence, or certain limits, at particular times, or providing himself with a horse or arms, or any other restrictions which will not unreasonably affect his personal liberty, or deprive him of the means of procuring a livelihood; all which restrictions shall be notified to the party in writing, a copy thereof, with his signature, in token of assent, being kept by the magistrate, and any breach thereof shall be punishable by ordinary imprisonment, without hard labour, for a period not exceeding six months, which penalty also shall be inserted in the instrument.

Foreigners not British-born subjects, not furnishing security, may be expelled from the collectorship:

XXVIII. *First.* If a person, who is not a native of the zillah, nor a British-born subject, be unable to furnish security for his good conduct satisfactory to the magistrate, it shall be lawful for an order of expulsion

See Sec. 1. Reg. IV. 1830.

to be issued, which, whether issued by the *criminal* judge or zillah magistrate, shall be in force throughout the collectorship.

Second. The person so expelled shall be conveyed to some part of the boundary of the collectorship, and there dismissed, being previously furnished with, or offered, a writing containing the name of the zillah, the date of expulsion, and a description of the penalty enacted in the succeeding clause, to which he will be liable if he return, and a copy of this instrument, with an endorsement, specifying the execution, shall be kept on record. expulsions how executed;

Third. A person returning to a zillah from whence he has been expelled shall be punishable with ordinary imprisonment, not exceeding six months, after which, if he return again, he shall each time be liable to the said punishment, and flogging, not exceeding fifty stripes, in addition. penalty of returning without leave;

Fourth. But it shall always be competent to a magistrate to recall a sentence of expulsion, when he has satisfactory reason to believe that the causes thereof have ceased, the sanction of the Sudder Foujdary Adawlut being previously obtained; which sanction shall be endorsed under the magistrate's signature, on the sentence specified in Clause Second, and the party shall be entitled to a written certificate of such recall, with a specification of the particulars of the expulsion. expulsion how cancelled.

XXIX. If any number of persons should assemble together in a manner indicating intention to commit an unlawful act, or inconsistent with public tranquillity, it shall be competent to the magistrate to order them to disperse, and to punish those who do not comply with fine or ordinary imprisonment, without labour, not exceeding one month. Precautions which may be taken when the public peace is endangered,

XXX. The magistrate shall be authorized to seize all such instruments as he shall have good reason to believe are kept for breaking open houses, or other unlawful purposes; they shall be forfeited, and disposed of as Government may direct. and power of the magistrate to seize and confiscate instruments kept for unlawful purposes.

CHAPTER IV.

OF EXTRAORDINARY MEASURES CONDUCIVE TO THE APPREHENSION AND PUNISHMENT OF OFFENDERS; COMPRISING,

XXXI. *Aid, civil and military:*

XXXII. and XXXIII. XXXIV. to XXXVI. *Rewards:* *Pardon to accomplices:*

XXXVII. *Responsibility of villages, and their police establishments, for robberies:*

XXXVIII. *Attachment of the property of fugitives;*

XXXIX. *Banishment of outlaws.*

XXXI. *First.* All police authorities shall be competent to call on individuals within their jurisdictions for such aid as they are capable of affording, without infringing the rules of their respective sects, in apprehending offenders, or enforcing any legal process, holding inquests, or procuring information; and any persons withholding the same shall be punishable by the zillah magistrate with fine, not exceeding ten (10) rupees, or Aid from the community may be demanded by the police on occasions of emergency, and failure to furnish it punished by the magistrate.

ordinary imprisonment, without hard labour, not exceeding twenty (20) days.

Offenders pursued beyond the jurisdiction, to be taken, when apprehended, before the authority of the place, who will surrender them:

Second. If pursuit of an offender be carried beyond the jurisdiction in which it commenced, the officers shall be entitled to the assistance of the police of the jurisdiction in which they may arrive, which shall adopt the same measures for effecting seizure as if the offence had been committed in the last-mentioned jurisdiction; and when a person is thus apprehended, he shall be taken before either the district officer or zillah magistrate of the place, who, on being satisfied of his identity as the person who was pursued, or of there being reasonable grounds to suppose it, shall deliver him up to either the district officer or zillah magistrate of the place where pursuit commenced.

and all police authorities will aid each other in maintaining the public peace;

Third. Any police authority shall, when the force at its disposal is insufficient to preserve the peace, or apprehend offenders within its jurisdiction, be entitled to aid from the police establishments of adjacent authorities, for the purpose of effecting any specific measure.

military aid also, if necessary, will be supplied.

Fourth. Military aid may be resorted to, as directed in Regulation XXII. A.D. 1827, Chapter VIII., when there is reason to apprehend that such resistance will be made to legal process, or such violence offered to public tranquillity as cannot easily be overcome by the police establishment.

In atrocious cases, the magistrate, to procure the apprehension or discovery of offenders, may offer a reward,

XXXII. *First.* In a case of murder, or other offence of highly atrocious nature, when the perpetrator (or perpetrators) cannot be found, or is unknown, the magistrate shall have authority to offer a reward, by proclamation, for apprehension or discovery; and likewise a *Court of Circuit*, or the Sudder Foujdary Adawlut, shall have authority to direct the magistrate so to do.

not exceeding fifty rupees; the *Court of Circuit* may offer one hundred rupees; and the Sudder Foujdary Adawlut two hundred rupees: larger rewards to be sanctioned by Government;

Second. A reward, offered on the magistrate's authority, shall not exceed fifty (50) rupees; nor one offered on the authority of a *Court of Circuit*, one hundred (100) rupees; nor one on the authority of the Sudder Foujdary Adawlut, two hundred (200) rupees; if a larger amount be deemed desirable, the case shall be reported to Government, and such reward offered as it may sanction.

proclamation to specify the reward, and the conditions which will entitle to it:

Third. The proclamation shall specify the offence alleged, with whatever is known in identification of the perpetrator or perpetrators; also the amount of reward, and the condition which confers a right to it, whether it be the discovery, seizure, or conviction of the criminal or criminals.

reward to be paid by the collector, on the order of the authority before whom the condition is fulfilled, who may in certain cases withhold any part of it:

Fourth. When the said condition is fulfilled, the reward shall be paid by the collector to the order of the authority before which the condition was completed; but that authority shall always be competent to withhold any part of the reward, if the person claiming it have used unwarrantable means or unnecessary harshness in effecting his purpose.

police officers cannot demand proclaimed rewards, but may be otherwise remunerated on occasion, as may be deemed expedient.

Fifth. It is to be understood, that no officer on a police establishment shall be entitled to demand, as a right, a proclaimed reward under this section, but it shall be competent to the authorities respectively referred to in the preceding clause to adjudge in the manner therein stated the whole or any part of such reward, or the value thereof, in such shape as may be judged appropriate, to any such officer who may have fulfilled the condition thereof in a manner meriting such extraordinary remuneration;

and it shall also be competent to those authorities to adjudge to a person who may have partly fulfilled the conditions of the proclamation, a part of the reward, if his conduct be thought to merit the same.

XXXIII. *First.* The *Court of Circuit* shall have authority to adjudge rewards to individuals, whether or not in the public service, whose conduct may have merited the same in apprehending, or aiding to apprehend, the perpetrators of murder, or other highly atrocious offence, provided they be convicted.

The *Court of Circuit* may also assign to those who have aided in apprehending atrocious criminals, a suitable reward,

Second. Such reward shall not exceed in value one hundred (100) rupees for seizure of a leader of a gang; twenty (20) rupees for that of an accomplice, if only one be convicted; and ten (10) rupees each, if more than one be convicted; and the amount shall be paid by the collector to the order of the court.

within certain pecuniary limit:

Third. And the *Court of Circuit* shall likewise have authority to adjudge a reward not exceeding in value fifty (50) rupees (payable as above) to persons, whether in the public service or not, who may be deemed to have merited such remuneration by perilous or laborious exertions, or other valuable aid, in maintaining the public peace or apprehending offenders.

as also remuneration generally to those who have distinguished themselves in police duties:

XXXIV. *First.* In a case of murder, or other offence of highly atrocious nature, if it should appear that the evidence of an accomplice is necessary to procure the conviction or apprehension of a criminal or criminals, whose punishment or detection is a primary object, or that without such evidence the prosecution would fail altogether, the magistrate shall have authority to grant a pardon to such accomplice, on his promising fully and faithfully to disclose all the circumstances within his knowledge, and to give his evidence throughout the trial without prevarication or fraud.

in highly atrocious cases, the evidence of an accomplice may be procured by a grant of pardon by the magistrate,

Second. The offer of pardon may be made either personally to the accomplice, or by proclamation stating the nature of the disclosure required, and excepting the persons towards whose conviction or apprehension it is directed from benefiting thereby; and the magistrate shall enter on his records reasons, in full, for offering the same.

the conditions and particulars being recorded:

Third. A *Court of Circuit*, or the Sudder Foujdary Adawlut, shall be competent to direct a pardon to be offered under the above circumstances, in the manner above described.

corresponding powers vested in the superior tribunals:

XXXV. *First.* [Certificate of pardon to be granted before evidence is received.] *Rescinded by Act XV.* 1838.

Second. The evidence of an accomplice shall operate against a prisoner only so far as it corroborates that of other witnesses, or strengthens impressions produced by circumstances.

his testimony being received with caution.

XXXVI. In cases of treason, the measures described in the two preceding sections, respecting pardons to accomplices, shall be adopted only when directed by Government, by which authority the offer or grant of any rewards that may be deemed expedient shall also be regulated.

Pardons to accomplices in treason to be offered only by Government.

XXXVII. *First.* When robbery has been committed within the

Villages, in certain cases, responsible for

robbery committed within their bounds, by fine,

boundary of a village, or the perpetrators of a robbery have been satisfactorily traced thereto, and neglect or connivance be charged against the inhabitants or the police establishment, with regard to prevention, detection, or apprehension, it shall be competent to the magistrate to investigate the matter as a criminal offence, and if the fact be well substantiated, to exact a fine not exceeding the value of the property lost, the whole or part of which may be awarded in compensation to the owner, according as the degree of caution and activity which he evinced on the occasion may deserve.

leviable by the collector,

Second. If the fine be awarded against the inhabitants at large, it shall be realized by the collector in the same manner as revenue demands, and paid to the order of the magistrate; if against individuals of the police establishment, it shall be levied by imprisonment in commutation, as directed for fines in general in Regulation XIV. A.D. 1827, Section IX.

See Act II. 1839.

and orders to that effect may be given by a *Court of Circuit.*

Third. And a *Court of Circuit* shall be empowered to cause a magistrate to levy and dispose of a fine in the manner above stated, when the circumstances detailed in the first clause of this section occur in a case decided before the said court.

In certain atrocious cases, the magistrate, after obtaining the sanction of the Sudder Foujdary Adawlut,

XXXVIII. *First.* If a person charged with murder or other offence of highly atrocious nature, for whose apprehension formal process has been issued, should abscond or conceal himself so that he cannot be found, the magistrate shall, if he considers the case of sufficient importance to require the measures described in the succeeding clauses of this section, forward a report of all the circumstances to the Court of Sudder Foujdary Adawlut, and request its sanction to adopt them; on receiving which he shall proceed as follows:

may proclaim the alleged offender, and require him to appear within a specified time,

Second. A proclamation in the form of Appendix (J), stating the name of the party, and such other description as may be necessary to identify him, and requiring his attendance before the magistrate or any specified police officer within a specified period, being not less than one (1) month from the date of the proclamation, shall be issued, by being read aloud on three successive days at the most public place of the town or village where the party usually resides, and by a copy thereof being tendered to some servant or relation (if any such can be found) of the party, and by copies being fixed on the door of his house, some public place at the said town or village, at the head police kuchery of the district, and any other places which may occur to the magistrate as necessary to secure publicity.

and if he fails, may attach all his property,

Third. If the party shall not appear as required within the period specified, the magistrate shall attach all his property within the jurisdiction, both moveable and immoveable, and deliver it to the collector, to be kept and managed as directed for property attached by virtue of Regulation XXV. A.D. 1827, Chapter II.

to be detained at the discretion of Government, if he does not surrender himself within four months:

Fourth. If, the party deliver himself up within four (4) months after the period specified in the proclamation has expired, the attached property shall be returned to him, with whatever proceeds may have been realized from it during the attachment; otherwise the magistrate shall report the case to the Governor in Council, who will issue such orders as he may deem expedient, according to the principles of Regulation XXV. A.D. 1827.

these measures may be directed by the Sudder

Fifth. A *Court of Circuit,* or the Sudder Foujdary Adawlut, shall be

competent to direct the magistrate to follow the procedure prescribed by this section, in any case which it may deem to require it.

Foujdary Adawlut or *Court of Circuit.*

XXXIX. *First.* If any person under the influence of animosity shall have notoriously abandoned his home for hostile purposes (as understood by the term bahurwutaee), and there be reasonable apprehension that he meditates and has the means of creating disturbance to the tranquillity of any zillah, the magistrate thereof shall report the case to the Court of Sudder Foujdary Adawlut, which, if it think necessary, shall adopt the following measures:

Bahurwuteeas and similar desperate outlaws, on the sanction of the Sudder Adawlut,

Second. The said court may, in lieu of the proclamation specified in Section XXXVIII. Clause Second, or at any time subsequent to the publication thereof, issue a proclamation in the form of Appendix (K), by which the party incurs banishment from whatever districts it may be considered expedient to prevent his entering, in the event of his not delivering himself up within the period specified in the proclamation, which shall not be less than sixty (60) days from the date thereof; this proclamation shall be forwarded to the magistrates of whatever districts may be named in it, and shall be promulgated in the manner described in the second clause of Section XXXVIII. at the place where the party usually resides, and by a copy being read and affixed at the most public spot of the place where every district police officer is stationed throughout the said districts.

may be proclaimed, and declared banished, on not delivering themselves up within sixty days;

Third. If after the expiration of the period the party have not delivered himself up, the sentence of banishment shall be in full force, and if he enter any of the districts to which it refers, he shall, whenever apprehended, be considered as a state prisoner, and information shall be forwarded to Government, that instructions may be issued regarding him on the principles of Regulation XXV. A.D. 1827; but if any criminal offence be charged against the party, the reference to Government shall be delayed until he has been tried for the same, and the result, after he has been either acquitted or punished, leaves his person disposable.

and if apprehended, when banished, in the prohibited territories, shall be deemed state prisoners, but shall be tried for their offences;

Fourth. But if the causes for issuing a sentence of banishment as above authorized shall have ceased previous to the party being apprehended, and he should appear deserving of lenity, it shall be competent to the Court of Sudder Foujdary Adawlut to recall the said sentence, which shall be done by sending a certificate in the form of Appendix (L), to every magistrate to whom the proclamation mentioned in the second clause of this section was forwarded, which certificate shall be published in the same manner as directed for the said proclamation; and the party himself shall be entitled to a copy thereof authenticated by any of the said magistrates.

but upon cause shown, the Sudder Adawlut may recall such sentence of banishment.

CHAPTER V.

OF THE DUTIES OF DISTRICT POLICE OFFICERS.*

XL. *First.* Each district police officer shall aid the magistrate in the discharge of his functions, by performing the duties described in the sequel, within the limits under his charge.

District police officers

* By Act XX. 1835, the Governor was empowered to invest the mahalkarees, or other officers exercising their functions, with the police powers of mamlutdars.

to obey the zillah magistrate, and control the subordinate police officers,

Second. He shall act in immediate subordination to, and execute processes issued by the zillah magistrate, and shall in similar manner have superintendence and control over the village police officers, whose duties are explained in the following chapter.

duly reporting misconduct, and all matters of importance,

Third. He shall report to the magistrate instances of neglect, oppression, or extortion, committed by subordinate police officers; also deficiencies in the police establishments; and he shall keep the magistrate well informed of the state of police in general, and matters connected therewith.

and maintaining peace and order.

Fourth. He shall station peons at markets and places of public resort, in order to preserve tranquillity, and enforce such local rules as may be instituted for public convenience at the same, and he shall dispose of the police establishments in his district, so as to provide the utmost possible efficiency in preventing and opposing plunderers or disturbers of the public welfare.

Jurisdiction of the district police officer.

XLI. *First.* The district police officer shall have authority to punish trivial cases of theft, abuse, assault, or resistance to public officers in the discharge of their duty, provided information be laid within one month after the act was committed, by fine not exceeding *five* (5) rupees, confinement in any suitable place not exceeding *eight* (8) days, or placing in the stocks or other similar restraint for a period not exceeding twelve (12) hours.

Extended by Sec. v. Reg. IV. 1830.

his proceedings, and records:

Second. The arrest of the culprit, and other proceedings in such cases, shall not require any written process, nor other record, than the name of the offender, the offence proved, and the punishment assigned, with the respective dates, and this record shall be forwarded monthly to the magistrate; witnesses may also be verbally summoned and required to depose on *oath*, and refusing to attend or depose, may be forcibly conveyed to the zillah magistrate, who shall be authorized to punish them by fine not exceeding ten (10) rupees, or ordinary imprisonment without labour for a term not exceeding twenty (20) days.

refusal to give evidence before him, how punishable;

complaints on matters punishable by him may be withdrawn on a record being made:

Third. And it shall be optional with the complainant to withdraw his plaint, or make private compromise, at any stage of the proceeding; in which case, however, the complaint and withdrawing shall be recorded as above directed.

when necessary the district police officer's penal jurisdiction may be extended by proclamation,

XLII. *First.* In districts, where peculiar occasion may exist for the police officer to exercise a more extensive penal authority than allowed by the preceding section, it shall be competent to the Governor in Council to invest him with such, by order addressed to the Court of Sudder Foujdary Adawlut, specifying (within the limits mentioned in the succeeding clause) the extent of punishment which he shall be authorized to adjudge; whereupon the said court shall forward a proclamation in the form of Appendix (M), to the magistrate, who shall cause it to be affixed to a conspicuous part of the police kuchery at the Sudder station, and at the respective district, and thereafter it shall be in force.

to imprisonment for two months, fine thirty rupees, twenty stripes, and personal restraint, singly or combined; cognizable offences be-

Second. The said extended powers shall not exceed ordinary imprisonment without hard labour for a period of two (2) months, fine of thirty (30) rupees, twenty (20) stripes or personal restraint, or any of these combined; the offences for which they may be inflicted shall be the same

as those mentioned in Clause First of the preceding section, without however the restriction as to the period at which the offence may have been committed applying to thefts; and all process and proceedings shall be conducted and recorded in the same way as prescribed for the magistrate in Section XIV. of this Regulation, and shall be forwarded to him monthly, with the record mentioned in Clause Second of the preceding section.

ing the same, but not the limitation of time, and proceedings and records shall be more formal, and shall be transmitted monthly to the magistrate.

XLIII. *First.* The district police officer shall forward in custody to the magistrate any person whom he may have reasonable cause to suppose to have been guilty of any penal offence of a nature more serious than those which he is empowered to try, and according to the principles of Section IX. Clause Third, he is authorized to apprehend such person without written process; but he shall, after securing the suspected persons, investigate the matter, examine witnesses, and record such statements as the prisoner may voluntarily make, causing to be affixed thereto the signatures of two creditable persons in attestation, and, if the result confirm that there is occasion to bring the party to trial, the said proceedings shall be forwarded with him to the magistrate.

Persons suspected of a crime to be apprehended and examined, and if requisite, forwarded to the magistrate,

Second. The witnesses in the above cases shall also be forwarded to the magistrate, or their attendance before him secured by recognizance or security in the manner prescribed in sections from XXIV. to XXVII. both inclusive, and articles stolen or required in evidence shall be secured as directed in Clause Fourth, Section IX. and forwarded to the magistrate; and if a prisoner should be desirous of furnishing security for his appearance in preference to being conveyed in custody, the district officer may accept the same, observing that by the above-quoted rules murder and offences against the state are cases in which the party cannot be admitted to bail.

the attendance of witnesses being also secured, and prisoners, when fitting, being allowed to furnish bail:

Third. If there be reasonable cause to suppose that any person meditates disturbance to the public tranquillity, or is likely to commit any penal act, the district police officer shall cause him to be conveyed to the magistrate in the manner and with the forms directed by the two preceding clauses, with regard to persons who are supposed to have committed offences; but if the act apprehended be personal assault, it shall, instead, be competent to that officer to bind over the party by recognizance or security as above stated, if he consider the measure sufficient to ensure peaceable demeanour; provided that forfeiture of the same shall only be determined by trial before some superior authority.

offences to be prevented by apprehending the party who meditates them, or binding him to good behaviour:

Fourth. The district police officer shall not delay the transmission of prisoners for a longer period than forty-eight (48) hours, unless for indispensable reasons, which must always be reported with the case, or before it, to the magistrate.

prisoners for transmission to the magistrate not being detained for more than forty-eight hours without strong cause.

XLIV. *First.* When offences of a serious nature are committed, the district police officer shall repair to the spot, and investigate them personally, if other business permit.

The district police officer to investigate serious offences on the spot,

Second. And if a murder be committed, or any person die under circumstances conveying suspicion that his death has been unlawfully occasioned, the district police officer shall be careful to cause investigation thereof by means of an inquest, if the measure have not already been

particularly murder, when an inquest must be held:

adopted by the village officer, to be held by three or more creditable individuals, whose report shall be committed to writing, and form part of the evidence in the case.

to suggest salutary rules to the magistrate:

XLV. *First.* It shall be the duty of the district police officer to suggest to the magistrate such local rules as he may consider conducive to the comfort and benefit of the community, and to the prevention of vice and crime, and to execute such measures for these purposes as the magistrate may direct under the authority conveyed in Section XIX.

to keep standard weights and measures, and stray animals, reporting the same:

Second. The district police officer shall keep standards of weights and measures for public inspection, and take charge of stray animals and property found without an owner, reporting the same to the magistrate, that they may be disposed of according to the principles of Section XIX. Clause Eighth.

to enforce fair conduct on the part of labourers and dealers, appealing when requisite to the magistrate:

Third. And if public dealers or labourers should refuse to furnish their services for public purposes, as provided in Section XVIII. Clause First, the district police officer may in cases of emergency enjoin compliance; and, on complaint of the misbehaviour of servants, as adverted to in Section XVIII. Clause Second, shall require fair and reasonable conduct, and in the event of disobedience in either instance, shall report the case to the magistrate, or forward the offender to him if circumstances denote that interposition to such extent is required.

and to prevent illegal acts and force of any kind:

Fourth. Any intention to take forcible possession of property, or to remove or alter boundary marks, or to commit any other illegal act as adverted to in Section XVI., shall be met with prohibition from the district officer, and if necessary, the act shall be prevented by the same measures of binding over or conveying to the magistrate, which he is directed to adopt, against persons thought likely to commit a breach of the peace, in the third clause of Section XLIII.

all police officers may demand public aid on certain occasions, and those who withhold it may be sent to the magistrate:

XLVI. *First.* District or other police officers are mutually to afford aid to support each other's lawful authority, which may also be demanded from individuals, as detailed in the three first clauses of Section XXXI., and persons withholding it may be seized and conveyed to the magistrate, to be proceeded with as therein stated.

the district police officer may also demand military aid direct in emergent cases, reporting the same:

Second. If military aid be required, the magistrate will apply for it; but if the occasion be so emergent as to induce the district police officer to request immediate assistance from any troops which may be at hand, he shall immediately report the same, with a detail of all circumstances, to the magistrate.

he is also to furnish returns, and make official arrangements as directed by the magistrate.

XLVII. The district police officer shall furnish to the magistrate any returns relating to the business of the department which the latter may require; and he shall observe such forms and arrangement in keeping and forwarding records as the latter may direct.

CHAPTER VI.

ON THE DUTIES OF THE VILLAGE POLICE OFFICER OR HEAD OF A VILLAGE, AND OF VILLAGE POLICE.

XLVIII. *First.* The village police officer shall act in subordination to the zillah magistrate and police officer of the district in which the village may be situated: his official communications shall be held with the latter, unless the magistrate find it more convenient to direct their being made to himself or one of his assistants, in which case, such part of the following rules as relates to making communications to the district police officer shall be applicable to the said magistrate or assistant.

The village police officer to obey the district police officer and the magistrate: his communications being made as directed by the latter.

Second. The village police officer shall have authority to employ all revenue servants belonging to the village, each in his respective capacity, to aid in performing the duties described in the sequel, it being the particular duty of those employed in keeping the revenue accounts to frame all written returns and proceedings for the police officer: he may also demand aid from individuals, provided it be not of a nature inconsistent with religious usages, and he may seize any person refusing to afford it, and convey him to the district police officer, who, if satisfied that the aid was refused, will proceed as if such denial had been made to his own requisition.

The village police officer has under him as police officers the subordinate revenue servants, and may demand aid from the community, and forward to the district police officer those who withhold it:

Third. The village police officer shall furnish such returns relating to the business of his department, and adopt such form in his communications as may be called for by the district police officer, with the immediate authority of the zillah magistrate; he shall keep the district police officer well informed of the state of police in the limits of his village, the state and efficiency of the police establishment, and all matters connected with the above, and he shall execute any process issued for that purpose by the zillah magistrate or district officer.

he is to furnish authorised returns and communications to the district police officer, afford all useful information, and execute orders:

XLIX. *First.* The village police officer shall have authority to punish trivial cases of abuse or assault, provided the trial be held within eight (8) days after the act was committed, by confinement in any suitable place for a period not exceeding twenty-four (24) hours.

also to punish trivial offences:

Second. The proceedings in such cases shall be verbal, and held in the presence of the parties, and persons refusing to attend or give evidence may be seized and conveyed to the district officer, to be dealt with as directed in the second clause of the preceding section; but it shall always be optional with the complainant to withdraw the complaint and make private compromise.

his proceedings, how regulated, and witnesses, how compelled to give evidence: the complaint may be at any time withdrawn:

Third. The names of the parties, the alleged offence, and the punishment, acquittal, or withdrawing the complaint, shall be recorded with their respective dates, and forwarded monthly to the district officer, for transmission to the zillah magistrate.

monthly record required.

L. *First.* The village police officer shall apprehend and convey to the district officer any person, within the limits of the village, whom he may have reason to suppose to have committed elsewhere any penal act, or within the said limits, any such act of a nature more serious than those which he

Offenders to be apprehended, and, with all information procured, forwarded to the district police officer:

is himself authorized to punish; he shall also forward, with the offender, all persons who may be capable of giving evidence respecting the same, and articles which may have been stolen, or are required to be produced in elucidation.

witnesses to be summoned and examined, and stolen articles searched for and seized, under certain regulations,

Second. In order to ascertain the above points, the village officer shall have authority to call and examine witnesses, and search for concealed articles, observing that such search be not made in a dwelling-house between sunset and the ensuing sunrise, without urgent occasion; and that, by every means consistent with the object in view, intrusion on domestic and religious privacy be avoided; and further, that a house belonging to a person of any of the higher classes of society be not searched, except on order by the district police officer, or higher authority;

the police of other villages assisting in case of need;

and, in order to effect the seizure of offenders, the village police officer shall be competent, when necessary, to call on the establishments of adjacent villages to co-operate with him.

persons withholding assistance, or otherwise offering obstruction, may be sent to the district police officer;

Third. Persons who may refuse to assist, attend, or give evidence, or who may obstruct a search or other process, shall be seized and conveyed to the district officer, who, if satisfied of the fact, shall deal with them as if the same had occurred in a case before himself.

no person being detained for more than twenty-four hours;

Fourth. The transmission of a prisoner shall not be delayed for a longer period than twenty-four (24) hours, unless for indispensable reasons, which must be reported forthwith to the district officer.

absconding offenders to be immediately reported to the district police officer,

LI. *First.* If an offence be committed within the limit of the village, the perpetrator whereof has escaped, or is not known, the village officer shall investigate the matter, and forward immediate information, with all procurable evidence, to the district officer.

and pursued throughout the British jurisdiction until apprehended.

Second. And perpetrators of offences, who may escape from the limits of the village wherein the same may have been committed, shall be pursued throughout the British jurisdiction, all village officers being enjoined to give mutual aid on such occasions, and when such perpetrators are seized, they shall be conveyed to the district officer within whose jurisdiction their apprehension has been effected.

When a person dies, or a corpse is found under suspicious circumstances, an inquest must be held, and the results recorded, and transmitted to the district police officer,

LII. *First.* If a person should die under circumstances which afford suspicion that death has been unlawfully occasioned, or a corpse be found, the village police officer shall forthwith assemble an inquest, to be composed of three or more creditable persons belonging to the village, who shall investigate the causes and circumstances, and make a written report of the same, which the village officer shall forward to the district officer to be used during ulterior proceedings as evidence.

and a person unduly refusing to give aid may be sent to the district police officer,

Second. And any person refusing to perform the above duty shall be seized and conveyed to the district officer, who, if satisfied of the fact, will deal with the offender as if the denial had been made to his own requisition.

whose permission shall be obtained before the corpse is disposed of.

Third. The village police officer shall also, if possible, delay the burning or burial of the corpse until the permission of the district police officer is obtained.

Offences to be prevented by apprehending the party who me-

LIII. *First.* If the village officer has reason to suppose that any person meditates, or is likely to commit an assault, to take forcible possession of

property, to alter boundary marks, without the consent of those concerned, or to commit any other penal act, he shall apprehend such person by the same means as above prescribed for seizing offenders, and convey him to the district officer.

ditates them, and sending him to the district police officer,

Second. He shall report to the district officer all instances which may come to his knowledge of property being disposed of, or valuable articles altered in such way as indicates that they have been unlawfully acquired.

who is also to be apprized of suspicious disposal of property,

Third. He shall also so report instances which may come to his knowledge of individuals adopting habits connected with a predatory or desperate course of life, and of their leaving their homes for supposed hostile purposes, or assisting in any way individuals who have acted as above described.

or other matters affording ground of distrust.

Fourth. He shall take charge of stray animals, and property found without an owner, reporting the same to the district officer, and disposing of them as he may direct.

All stray animals and property to be secured by the village police officers and reported,

Fifth. And he shall dispose of the village establishment, so as to afford the utmost possible security against robbery, assault, and acts injurious to the community, and report to the district officer all instances of misconduct or neglect committed by any part of the said establishment.

and the village police establishment to be employed in the best way, and any misconduct duly made known.

APPENDIX (A).

Appendix (A).

(See Section III. Clause Fifth.)

Form of oath to be taken by the zillah magistrate and his assistants.

I, A. B. appointed magistrate (or, first, second, and so forth, assistant to the magistrate, as the case may be), of the zillah of ——, do solemnly swear that I will, to the best of my ability, preserve the peace of the said zillah; that I will act with impartiality and integrity, and will not exact or receive, directly or indirectly, or knowingly permit any person under my control or in my service to exact or receive, directly or indirectly, any fee, reward, or emolument whatever, in the execution of, or on account of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize; and that I will perform the duties of my office, according to the best of my knowledge, abilities, and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council.

So help me God.

(Date.)

(Signed) A. B.
Magistrate,
or
First, second, &c. assistant
to the magistrate.

APPENDIX (B).

Appendix (B).

(See Section V.)

Commission to be issued to a district police officer, not employed in the Revenue department.

Magistrate's Seal.

To (insert the officer's name, and that of his father).

You are hereby appointed police officer for (insert the name or boundary of the district), and invested with authority for the purpose of aiding the magistrate in preserving the peace, preventing offences, apprehending offenders, and promoting the welfare of the community at large in that district. You are to perform these duties in the manner prescribed in the Regulations, carefully superintending the conduct of subordinate police officers.

(Magistrate's signature.)

(Date.)

APPENDIX (C).

Appendix (C).

(See Section VI. Clause First.)

Commission to be issued to a village police officer.

Magistrate's Seal.

To (insert the officer's name and that of his father, with his caste or profession), of (insert the name of the village).

You are hereby appointed police officer for the village of (insert the name of the village, and the pergunnah or division in which it may be situated), and are vigilantly to preserve the peace thereof, to apprehend offenders, and prevent offences therein, to follow carefully such instructions as may be issued by the magistrate or the district officer, and employ the village establishment in its respective duties; all which you will perform in the manner directed in the Regulations, an extract from which is herewith furnished to you.

(Magistrate's signature.)

(Date.)

APPENDIX (D).

Appendix (D).

(See Section IX. Clause Second.)

Form of summons for the attendance of a person charged with an offence.

To ———, inhabitant of ———.

Whereas you stand charged with the crime of ———, you are hereby required to appear (in person or by vakeel) before me at my kuchery at ———, on or before the —— day of ——, to answer to the said charge. Herein fail not.

(Signature of the magistrate, or, assistant to the magistrate.)

Dated the —— day of —— A.D. ——, corresponding with (insert the native date).

APPENDIX (E).

(See Section XIII. Clause First.) Appendix (E).

Form in which the zillah magistrate is to communicate sentences to be executed by the *criminal* judge.

To A. B.

Criminal judge of (insert the name of the zillah).

The under-mentioned convict is herewith delivered to your custody, to undergo the sentence herein stated.

Convict's name.	Offence of which convicted.	Sentence.

(Magistrate's signature.)

(Date.)

APPENDIX (F).

(See Section XIII. Clause Second.) Appendix (F).

Form of proclamation to announce the extension of a zillah magistrate's penal jurisdiction.

See Sec. iii. Reg. IV. 1830.

Whereas (here recite the reasons which have led to the extension of the zillah magistrate's powers), it has in consequence appeared expedient to the Governor in Council, that the magistrate of the zillah of (insert the name of the zillah) should be vested with powers to adjudge the following punishments, either singly or combined, according to the Regulations for offences committed, viz. (here recite the punishments), this proclamation is therefore issued agreeably to Section XIII. Regulation XII. A.D. 1827, for the purpose of conferring the above-recited powers on the said magistrate of the zillah of (insert the name of the zillah), and of giving public intimation of the same.

(Signature of the secretary to Government.)

(Date.)

APPENDIX (G).

(See Section XIII. Clause Third.) Appendix (G).

Form of proclamation to announce that the zillah magistrate is invested with power to make commitments for trial before a *Court of Circuit*.

Whereas (recite the reasons for investing the magistrate with the said power) it has in consequence appeared expedient to the Governor in Council that the magistrate of the zillah of (insert the name of the zillah) should be vested with power to commit for trial before a *Court of Circuit* the perpetrators of offences which that tribunal is accustomed to try; this proclamation is therefore issued agreeably to Section XIII. Regulation XII. A.D. 1827, to confer the said power, and give public intimation of the same.

(Signature of the secretary to Government.)

(Date.)

APPENDIX (H).

(See Section XXIV. Clause First.) Appendix (H).

Form of recognizance bond.

Whereas I (insert the name of the party, and, if the party be a male, the name of his father, also his caste and profession; if the party be a female, the name of her husband if married,

Appendix (H), *continued.*

and of her father if unmarried) have been required by (insert the authority before whom the process is made) to (insert the act which is to be performed or refrained from); I hereby engage to act according to the said requisition, and in failure thereof to forfeit to the sirkar the sum of (insert the amount), being aware that, if such payment be not made, I shall be liable to be imprisoned in the criminal gaol for a period of (insert the period).

(Signature of the party.)

(Date.)

Executed before me,

(Signature of the authority before which executed.)

APPENDIX (I).

Appendix (I).

(See Section XXIV. Clause Third.)

Form of security bond.

Whereas A. B. (insert the party's name, caste, and profession), inhabitant of ———, has been required by (insert the authority before which the bond is executed) to furnish security for (insert the act to be performed or refrained from); therefore I (or we) (insert the names, castes, and professions), residing at ———, engage, on the part of the said A. B., that he will act as above required; and that, if the said A. B. fail in the said condition, I (or we) will forfeit to the sirkar the sum of rupees ———, to be exacted from either of us, or from both, or all of us jointly (this to be inserted if there be more than one security in the same bond), being aware that, if I (or we) fail to pay the above-mentioned sum, I (or we) subject myself (or ourselves), in lieu thereof, to imprisonment for the term of (insert the period) in the criminal gaol of the zillah.

It is to be understood that I (or we) am (or are) at liberty to release myself (or ourselves) at any time from the future consequences of this security bond, provided that its conditions shall not then have been infringed, by delivering up the said A. B. to the said (insert the authority taking the bond), or giving thereto information by which his apprehension is effected, and stating my (or our) wish to be so released.

(Signed) By the security or securities.

(Date.)

Executed before me,

(Signature of the authority before which executed.)

APPENDIX (J).

Appendix (J).

(See Section XXXVIII. Clause Second.)

Form of proclamation to be made previous to attaching the property of a fugitive.

Magistrate's Seal.

Whereas (insert the name of the party, his residence, and any denomination by which he may be generally known, or such description as will suffice to identify him) has been charged with (insert the offence); this is to give notice, that his attendance before (insert the authority and its station) is required within (insert the period) from the date hereof; and if he do not attend accordingly, his property will be attached by virtue of Regulation XII. A.D. 1827, Section XXXVIII.

(Magistrate's signature.)

(Date.)

APPENDIX (K).

(See Section XXXIX. Clause Second.) Appendix (K).

Form of proclamation to be made previously to the banishment of a fugitive.

Seal of the Sudder Foujdary Adawlut.

Whereas A. B. (insert his age, a description of his person, caste, and profession, or so much of these as is known), supposed to be an inhabitant of (insert the place), is charged with bahurwutaee, and (insert any other offence which the party may be accused of); he is hereby required to deliver himself up to the magistrate at (insert the station) within two months from the date hereof.

And if he do not so deliver himself, he will be under sentence of banishment for life, from the zillah (or zillahs) of (insert the name or names), and on appearing in any part thereof, will be liable to be imprisoned for life, by virtue of Regulation XII. A.D. 1827, Section XXXIX.

(Signature of the register to the Court of Sudder Foujdary Adawlut.)

(Signature of the magistrate.)

(Date at which the proclamation is published, to be inserted by the magistrate.)

APPENDIX (L).

(See Section XXXIX. Clause Fourth.) Appendix (L).

Form of a certificate for recall of a sentence of banishment.

Seal of the Sudder Foujdary Adawlut.

Whereas A. B. (insert the same particulars which were mentioned to identify the party in the proclamation of banishment) was banished from (insert the places), by a proclamation, dated (insert the date):

This is to give notice, that the said sentence of banishment is recalled, and that the said A. B. will not be proceeded against, in consequence of the said sentence, if he should return to the said places.

(Signature of the register to the Court of Sudder Foujdary Adawlut.)

(Date.)

APPENDIX (M).

Appendix (M).

(See Section XLII. Clause First.)

Form of proclamation to announce that a district police officer's penal jurisdiction is extended.

Seal of the Sudder Foujdary Adawlut.

Whereas (here recite the reasons which have led to the extension of the district police officer's authority), it has, in consequence, appeared expedient to the Governor in Council that the police officer of the district of (insert the district) should be vested with powers to adjudge the following punishments, either singly or combined, according to the Regulations for offences committed, viz. (here recite the punishments), and to try cases of (here recite, as far as may be practicable, the offences cognizable by him), and the Court of Sudder Foujdary Adawlut has been directed to announce the grant of the above-recited powers to the said police officer of the district of ———, in the mode prescribed by Regulation XII. A.D. 1827, Section XLII.; this proclamation is therefore issued for the purpose of conferring the above-recited powers on the said police officer of the district of ———, and of giving public intimation of the same.

(Signature of the register to the Court of Sudder Foujdary Adawlut.)

(Date.)

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1827. REGULATION XIII.*

Reg. XIII. 1827.

CONSISTING OF SEVEN (7) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Functions of Criminal Justice, and establishment of Courts for its Administration	I.
II.	Of the Duties of the *Criminal* Judge	XII
III.	Of the Functions of the *Court of Circuit*, and Duties of the *Criminal* Judge, as connected therewith	XVI.
IV.	Of the Duties of the *Special Court*	XXIV.
V.	Of the Duties of the Court of Sudder Foujdary Adawlut ...	XXVII.
VI.	Rules for procuring, taking, and recording Evidence, and for the conduct of Trials by Criminal Courts	XXXIV.
VII.	Of the Jail, and of the Custody and Treatment of Prisoners ...	XLII.

SUPPLEMENTS.

I. Regulation VIII. 1828, [Rescinded by Reg. III. 1830.]
II. ——— XI. 1828.
III. ——— XVI. 1828.
IV. ——— III. 1830.
V. ——— VIII. 1831.
VI. ——— VII. 1833.
VII. ——— VIII. 1833.
VIII. ——— IX. 1833. [Superseded by Act V. 1847.]

A REGULATION *for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof:* PASSED *by the Governor in Council, on the* 1st *January,* 1827.

Preamble.

WHEREAS it is expedient, with the view of facilitating the correct discharge of their important duties by the judicial authorities, and of promoting the interest of the community at large, that the rules for the

* The Courts of Circuit were abolished by Secs. ii. and iii. Reg. III. 1830, and their powers and duties in the trial of criminal cases were transferred to the zillah criminal judge under the designation of session judge.

The powers of control and supervision exercised by the Courts of Circuit were vested, by Sec. ix. of the same Regulation, in visiting commissioners being judges of the Sudder Foujdary Adawlut, who were also authorized to hold state trials, and any other important trials which should be specifically referred to them by Government.

The assistant criminal judges were declared by Sec. vi. Reg. III. 1830, to be assistant session judges, with the powers vested in senior assistant criminal judges by Clause Third, Sec. xiii. of this Regulation. When sitting at the Sudder station, they try cases referred to them by the judge, as prescribed in Clause Third, Sec. xii., but when appointed to a detached station, they, under Sec. vi. Reg. III. 1830, exercise the powers of criminal judges connected with the Court of Circuit in preparing cases for the sessions, and their gaols are delivered twice a year by the session judge.

administration of criminal justice should be so framed and arranged as to be capable of easy ascertainment and speedy reference, and that they should therefore be combined in one enactment upon the subject of criminal justice, to contain provisions regarding the functions of criminal justice, and the establishments for its administration, the general duties and powers of the *criminal* judge, those of the *Court of Circuit*, of the *Special* Court, and the Sudder Foujdary Adawlut, the procuring, taking, and recording evidence, and conducting trials, the treatment of prisoners, and the execution of sentences;—the following Rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose. See Reg. XXVIII. 1827.

CHAPTER I.

FUNCTIONS OF CRIMINAL JUSTICE, AND ESTABLISHMENT OF COURTS FOR ITS ADMINISTRATION.

Functions of criminal justice,

I. *First.* The functions of criminal justice are to conduct the trials of persons accused of crimes and serious offences, and to maintain adherence to Regulations made for the said purpose, and for the guidance of magistrates and police officers in general.

to be performed by the Sudder Foujdary Adawlut, *Special Court*, *Court of Circuit*, and *criminal* judge.

Second. These functions shall be performed by the Supreme Criminal Court denominated the Court of Sudder Foujdary Adawlut, *the Special Court, the Court of Circuit*, and the *criminal* judge, according to the rules enacted for each respectively; offences of a political nature, as described in Regulation XIV. A.D. 1827, Chapter III., being tried by the *Special Court exclusively*. See Act V. 1841.

The Sudder Foujdary Adawlut has supreme criminal jurisdiction.

II. *First.* The supreme criminal jurisdiction over the territories subject to the presidency of Bombay, in which zillah courts may be established, shall be vested in the Court of Sudder Foujdary Adawlut. See Act VIII. 1842.

Is stationed at the seat of the Sudder Dewanny Adawlut; is composed of its judges, and has also its officers.

Second. This court shall be situated at the same place, and composed of the same judges, as the Court of Sudder Dewanny Adawlut, the officers of which (both European and native) shall perform also in the Criminal Court their respective functions, in the discharge of which they shall be subject to the same rules and responsibility as in their civil capacities, and the denomination and rank of each judge or officer shall correspond with that which he bears in the Civil Court.

Seal of the court.

III. *First.* The court shall use a circular seal two inches and a quarter in diameter, on which shall be inscribed, in the English, Mahratta, Guzeratee, and Persian languages and characters, "The Sudder Foujdary Adawlut of Bombay."

Oaths of its judges,

Second. Each judge shall, previously to exercising any of the functions of his office, take and subscribe before the Governor in Council, or in open court, the oath described in Appendix (A), and each register and assistant-register shall, previously to entering on the functions of his office, take and subscribe in open court the oath described in Appendix (B); and each law or ministerial officer, whose functions require qualification by solemn declaration in his civil capacity, shall take and subscribe in open court a See Act XXI. 1837.

and officers,

similar declaration, except that his designation shall be made to correspond with that borne in the Criminal Court.

Third. The nazir shall also furnish security in the same way as enacted to be done in his civil capacity, and it is not intended to prohibit the same persons from being bound for him in both the civil and criminal departments.

and securities of the nazir.

IV. *First.* A *Special* Court of Justice may be assembled at any place required, by order from the Governor in Council, to try charges of crimes against the state.

The *Special* Court for trying state offences,

Second. Such court shall be composed of *three* judges, to be selected by the Governor in Council from among the judges of the Sudder Foujdary Adawlut and zillah judges, and they shall be denominated "chief," "second," and "third judge," according to their seniority in the civil service; judges of the Sudder Foujdary Adawlut, however, ranking above any others, and according to their seniority in that court.

to be composed of three judges:

their selection and rank.

Third. The assistants on the establishment of the *criminal* judge of the zillah in which the *Special* Court may be assembled shall, if required, officiate as registers and assistant-registers, according to their respective ranks, in the *Special* Court, and all officers of the said establishment shall also perform their respective functions in the said court.

Modified by Sec. 1. Act V. 1841.

The establishment of the *criminal* judge officiates as that of the *Special* Court.

Fourth. Each judge shall, previously to entering on the functions of his office, take and subscribe before the Governor in Council, or any person commissioned by him to administer it, the oath described in Appendix (A), and each register or assistant-register shall take and subscribe in open court the oath contained in Appendix (B), and every ministerial or law officer, whose functions in the *Criminal Court* of the zillah require qualification by oath or declaration, shall make and subscribe before the *Special* Court a corresponding oath or declaration.

See Act XXI. 1837.

Oaths of the judges,

and officers.

V. *First.* There shall be a *Court of Circuit* for the trial of crimes and serious offences [*exclusive of crimes against the state*] held in each zillah *by one of the puisne judges of the Sudder Foujdary Adawlut in rotation:* the sessions of the said court shall, unless otherwise directed, be held at the Sudder station of each zillah; but if Government should issue special directions to such effect, the Court may sit elsewhere within any zillah for the trial of one or more cases, or all the cases belonging to such zillah: the Sudder Foujdary Adawlut may also, under the rules contained in Section XXX. Clause Third, recommend to Government the issue of such directions.

Modified by Reg. III. 1830, and Sec. 1. Act V. 1841.

See Act XIII. 1835.

The *Court of Circuit* for the trial of heinous offences *not being against the state,*

held by the Judges *of the Sudder Adawlut in rotation,* at the Sudder station of each zillah, unless when otherwise directed.

Second. [Sessions when to be held.] *Superseded by Secs. II. and V. Reg. III.* 1830.

Third. But it shall be competent to the Court of Sudder Foujdary Adawlut to cause a *tour of circuit, or* sessions, *at any particular zillah except Surat,* to take place (according to the rules for the ordinary sessions) intermediately to the half-yearly sessions, the same, when directed by the court, being reported, with the reasons for it, to the Governor in Council; and for sufficient cause the order for rotation may likewise be broken, at the discretion of the court, or by order from Government.

See Secs. v. andix. Reg. III. 1830, and Reg. VIII. 1833.

Deviations are allowed as directed by Government, and by the Sudder Adawlut,

the sanction of Government being in some cases necessary.

VI. *First.* [Ministerial and law officers of Criminal Court to officiate in Court of Circuit, if required.] *Superseded by Reg. III.* 1830.

The court's seal,

remains on *circuit* with the judge and is afterwards deposited in the Sudder Adawlut.

Second. The *Court of Circuit* shall use a circular seal, two inches and a quarter in diameter, bearing the following inscription in the English, Persian, Mahratta, and Guzeratee languages and characters, "The *Court* of Circuit for Bombay." The seal shall remain in the custody of the judge on circuit, during his tour, and shall then be lodged with the register of the Sudder Foujdary Adawlut.

Modified by successive enactments. See foot-note at beginning of this Regulation.

Court of the *criminal* judge,

usually at the Sudder station, but may be held elsewhere, if sanctioned by the Sudder Adawlut.

VII. *First.* There shall be a *criminal* court in each zillah for the trial of crimes and offences [*of a less heinous nature than those reserved for the sessions of the Court of Circuit*], and it shall be held by the zillah judge under the denomination of *criminal* judge: the ordinary seat of this court shall be at the Sudder station; but it shall be competent to the *criminal* judge, on procuring the sanction of the Sudder Foujdary Adawlut, to hold the court in any part of the zillah.

Modified by Reg. III. 1836.

Oath of the *criminal* judge,

and his qualification as justice of the peace:

Second. Previously to exercising any functions of his office, the *criminal* judge shall take and subscribe before the Governor in Council, or any person commissioned by that authority to administer it, the oath contained in Appendix (C), and he shall also take and subscribe before any competent authority the oath of qualification as one of His Majesty's justices of the peace.

See Act XXI. 1837, and Act XVI. 1841.

his seal:

Third. The *criminal* judge shall use a seal one inch and three-quarters in diameter, bearing in the English language and character, and also the language and character most used in the zillah, the following inscription "The *Criminal* Court of the zillah of ——."

Modified by successive enactments. See foot-note at the beginning of this Reg.

his assistants:

VIII. *First.* The assistants to the zillah judge shall officiate in their respective ranks as assistants to the *criminal* judge; they shall aid in the administration of criminal justice under the rules contained in the succeeding chapter, and use the seal of the *criminal* judge; previously to discharging the functions of their offices, they shall take and subscribe before the *criminal* judge in open court the oath contained in Appendix (C).

their oaths.

See Act XXI. 1837.

The assistant of highest rank supplies the place of the *criminal* judge when absent,

without exceeding his proper jurisdiction.

Second. In case of a *criminal* judge being absent or deceased, without an arrangement for the discharge of his duties having been made by Government, the assistant of highest rank on the spot shall take charge of and conduct the said duties, except that he shall not pass any sentence beyond the extent to which he is authorized in his capacity of assistant.

The officers of the Civil Court belong also to the Criminal Court,

and are in like manner qualified;

but the offices may be kept distinct for convenience.

Third. The ministerial and law officers of the civil court shall officiate in their respective capacities in the Criminal Court also: and such of them as may be required to make declaration or to furnish security, in order to qualify them for discharging their civil functions, shall, before commencing their duties in the Criminal Court, execute and enter into corresponding qualifications with the requisite alteration in the designation of the court.

Fourth. But if the extent or nature of the business to be performed by any ministerial officer be such as to render it inconvenient for him to be employed in both the civil and criminal capacities, there shall be no bar to appointing separate individuals to perform the duty in the two capacities, they being duly qualified as described in the preceding clause, and distinguished by prefixing the term "civil" or "criminal" to their designations respectively, which shall in nowise alter their situation as to responsibility to the rules enacted for such officers in the civil branch of the code.

IX. *First.* Courts of criminal justice shall be kept open for transaction of business on all days except Sunday, and those specified in Appendix (D), and such other days as may be specified in the list of local holidays required by Regulation III. A.D. 1827, Section I. Clause Third, to be publicly notified.

Criminal Courts may always sit, except on certain specified days,

Second. But it is not intended to preclude the transaction of business on the days above excepted, when there may be urgent occasion; nor to consider as illegal any process on the ground of its having taken place upon those days.

and on those also, for good reason; and proceedings taking place on those days is legal.

X. Negligence or breach of duty, bribery, extortion, and generally all acts of abuse or misapplication of authority, or other misconduct committed by any native officer on the establishment of a Criminal Court, shall be noticed and punished in the same manner as enacted respecting such officer in his civil capacity in Regulation II. A.D. 1827, Sections VI. and XXV. and Chapter III., and a sentence passed under any of the above-quoted enactments shall not preclude any other prosecution, civil or criminal, to which the offender may be liable.

Misconduct of native officers of Criminal Courts punishable as in the department of civil justice,

and further prosecutable civilly and criminally.

XI. All judges of Criminal Courts, and assistants to *criminal* judges, shall have authority to bind persons by recognizance or security, under the rules on the subject contained in Regulation XII. A.D. 1827, Sections from XXIV. to XXVII. both inclusive, to perform or forbear from matters within the province of the court to enjoin or forbid: *they shall also be competent to punish such conduct committed in open court as constitutes disturbance, opposition to the court's legal authority, or insolence, by fine or ordinary imprisonment without labour, or both, provided that the culprit be not confined for a longer period than two (2) months in the whole, and that if the sentence were passed by a junior assistant, it shall be enforced by the criminal judge as approved by him on revision.*

Criminal Courts have authority to take recognizance or security, *and to punish contempts.*

Superseded by Act XXX. 1841.

CHAPTER II.

OF THE DUTIES OF THE *CRIMINAL* JUDGE.

Superseded by Sec. i. Reg. IV. 1830.

XII. *First.* [*Such part of the criminal judge's duties as relates to the police of the Sudder station is comprised in Regulation XII. A.D.* 1827.]

Reference to the criminal judge's police duties.

Second. The *criminal* judge shall have authority to try crimes and offences committed within his jurisdiction, and to adjudge punishment for the same within the limits specified *in the succeeding section; and if it appear that any criminal act, which there is reason to believe has been really committed, require a degree of punishment beyond the said limit, he shall commit the offender to be tried by the Court of Circuit:* provided always, that if a case should occur, which from any peculiarity in the circumstances the *criminal* judge may consider, *though not requiring severer punishment than he is authorized to adjudge, yet* proper to be brought before a different or higher tribunal, he may report the same with his reasons to the Sudder Foujdary Adawlut, which will instruct him whether to proceed with the trial or commit the offender to be tried by the *Court* of Circuit.

The *criminal* judge tries offences, and adjudges punishment within certain limits.

He commits the offender for trial by the *Court of Circuit, if severer punishment is required, and also* in peculiar cases with the sanction of the Sudder Adawlut.

Modified by Reg. III. 1830.

See Sec. x. Reg. III. 1830.

Delegates cases to his assistants.

Third. The *criminal* judge shall have authority to delegate to his assistants the trial of offences, and also the adjudging of punishment within the limits specified as applicable respectively to assistants in the succeeding section; and when on a trial it shall appear to an assistant that an offence requires a degree of punishment beyond the limit which he is authorized to adjudge, he shall refer the case to the *criminal* judge. See Reg. XI. 1828.

who, when necessary, refer them for final judgment to the *criminal* judge,

Fourth. The *criminal* judge shall always have authority to take into his own hands the trial of cases which may have been delegated to his assistants, to review their proceedings, and to mitigate or annul, but not to enhance their sentences; he shall also be empowered to employ his assistants in the preparation of cases for trial by himself, and generally in the execution or superintendence of any duties of the department.

and he may also recall such cases, and review proceedings,

and employ his assistants in preparing cases, or in other parts of his duties, at his discretion.

Warrants, precepts, &c. of the superior courts to be obeyed,

Fifth. The *criminal* judge shall execute warrants and precepts, and conform to instructions issued by the *Court* of Circuit, *Special Court*, or Sudder Foujdary Adawlut, under authority of the code of Regulations, and he shall make such preparations for the *sessions of Courts* of Circuit *and Special Courts* as are directed by the enactments on those subjects. See Secs. ix. and x. Reg. III. 1830.

and preparations for their sessions made by the *criminal* judge.

General complaints also to be heard and inquired into by him,

Sixth. The *criminal* judge shall receive complaints made against any persons whomsoever in matters for which the ordinary course of law does not afford a mode of obtaining redress; he shall investigate them summarily in such manner as he has the means of doing, and if satisfied that there exist reasons for any further measures being adopted, shall report the case to the Governor in Council.

and if thought reasonable, reported to Government,

Seventh. The *criminal* judge shall report to the Governor in Council all convictions which may take place before himself *or a Court of Circuit* of acts in breach of the prohibitions in Regulation XIV. A.D. 1827, Sections XXX. and XXXI. against the slave trade.

as also breaches of the prohibitions against the slave trade.

The *criminal* judge's penal jurisdiction:

XIII.* *First.*† The punishments which the *criminal* judge is authorized to inflict are as follows:—

Solitary imprisonment six months:

Solitary imprisonment for a period not exceeding six (6) months.

Imprisonment and hard labour seven years:

Ordinary imprisonment, with hard labour, for a period of seven (7) years.

Flogging fifty stripes:

Flogging to the extent of fifty (50) stripes.

Disgrace, fine, and personal restraint:

[*Public disgrace*,] fine, and personal restraint. Rescinded by Act II. 1849.

Alone or combined:

These punishments may be awarded either singly or combined, except that whatever period of imprisonment may be assigned in commutation for fine is to be included in the limitation of seven (7) years.

Explanation as to imprisonment.

Sentences for more than two years' imprisonment to be referred to the *Sudder Adawlut*, and enforced as confirmed.

Second.† If the *criminal* judge shall pass a sentence whereby a prisoner is liable to imprisonment for more than two (2) years, he shall, previously to executing it, refer the case, with copies of all the evidence and statements, to the *Court of Sudder Foujdary Adawlut*, which shall have power to confirm, mitigate, or annul the sentence, and, if the sentence be confirmed either wholly or in part, a warrant for execution shall be issued by the said *court*. Modified by Act XIX. 1839.

* The provisions of this section were modified, as extended to the Dekhan and Khandesh (Poona and Ahmednuggur), by Section iii. Regulation XXX. 1827, and for the Southern Mahratta country (Dharwar) by Section ii. Regulation VII. 1830.

† The first two clauses of this section were superseded as respects the criminal (now session) judge, by Section iii. Regulation III. 1830, but are retained in reference to the provisions of Clause Fourth of this section.

See Reg. XI. 1828, and note at beginning of this Reg.

Third. The punishments to be adjudged by a senior assistant shall not exceed the following limits:—

The senior assistant's penal jurisdiction:

Ordinary imprisonment, with hard labour, for a period not exceeding two (2) years.

Ordinary imprisonment and hard labour for two years:

Flogging (for theft only) to the extent of thirty (30) stripes.

Flogging (for theft only) thirty stripes:

Fine, to be limited by the period of imprisonment assigned in commutation not exceeding two (2) years.

Fine limited by imprisonment:

Rescinded by Act II. 1849.

[*Disgrace and*] personal restraint.

Disgrace and personal restraint.

These punishments may be inflicted singly or combined, except that whatever period of imprisonment may be assigned in commutation for fine is to be included in the limitation of two (2) years.

Explanation as to imprisonment.

Fourth. But it shall be competent to the Governor in Council, for special reasons, to enlarge the authority of a senior assistant, as specified in the preceding clause, to any extent not exceeding the authority of the *criminal* judge, by means of an order addressed to the assistant on whom the authority is conferred, and forwarded to him through the medium of the *criminal* judge, notice being at the same time given by Government to the Court of Sudder Foujdary Adawlut.

Government may, by notice, render the penal jurisdiction of a senior assistant equal to that of the *criminal* judge,

Modified by Act XIX. 1839.

Fifth. In which case the provisions of Clause Second of this section shall become applicable to the said assistant, the exercise of whose extended powers shall also continue subject to the control of the *criminal* judge, as specified in Clause Fourth of Section XII. or elsewhere.

and imprisonment for more than two years must then be confirmed by the *Sudder Adawlut.*

Superseded by Sec. vi. Reg. III. 1830.

Sixth. The punishments which a junior assistant is authorized to adjudge shall not exceed the following limits:—

Penal jurisdiction of a junior assistant:

Ordinary imprisonment, without labour, for a term not exceeding two (2) months.

Imprisonment for two months:

Fine, limited by the period of imprisonment assigned in commutation never exceeding that just specified.

Fine as limited by imprisonment:

Personal restraint.

Personal restraint, alone or combined.

These punishments may be inflicted singly or combined, except that whatever period of imprisonment may be assigned in commutation for fine is to be included in the limitation above specified.

Explanation as to imprisonment.

XIV. *First.* A minute-book of daily proceedings in the language of the zillah shall be kept by the *criminal* judge and his assistants; it shall contain a reference by number, letter, or other convenient mark, to every document produced before or issued by the court, which may have been received or used officially, and shall narrate at large all such proceedings, orders, and information respecting business transacted by the court, as may not be contained in the said documents; the narration shall be made in the order in which the matter thereof may have occurred, and each day's proceedings shall be authenticated by the signature of the *criminal* judge, or assistant, who held the court.

Minute book of the court,

to refer to,

or contain all documents,

in order,

and to be signed each day.

Second. The documents belonging to each case (or copies thereof, if it may have been necessary to dispose otherwise of the originals) shall be kept separate, and they shall, as well as petitions and miscellaneous papers, be arranged with such reference to the minute-book and the day-book described in the ensuing clause, as may best facilitate their production when required.

Documents and cases to be preserved distinct and in order,

and delivered over in due time to the record-keeper,

who will pass his receipt, and duly record them.

Third. The exhibits mentioned in the preceding clause shall be delivered by the serishtadar to the record-keeper so soon as their immediate use in court can be dispensed with, and with them an inventory thereof, which shall be signed by the record-keeper and returned to the serishtadar; the record-keeper shall enter in a day-book the denomination of every exhibit with its mark; such as belong collectively to the same case shall be so classed, and in every case, the date of the information being first laid and of judgment being passed, and the names of the parties, shall be recorded.

Periodical reports to be furnished to the Sudder Adawlut, with the sanction of Government.

Fourth. The *criminal* judge shall transmit to the Court of Sudder Foujdary Adawlut such periodical reports relating to the business transacted in his department as that court may call for, under the immediate instructions of Government.

The execution of warrants, precepts, &c. to be endorsed on the instrument, which is then to be sent to the Sudder Adawlut;

and when a prisoner is transferred, his warrant duly endorsed accompanies him, and alone certifies regarding him,

except he be sent to Bombay, when the magistrate's receipt of him is equivalent to final execution.

XV. *First.* The execution of every warrant and precept issued by the Court of Sudder Foujdary Adawlut *or Circuit* shall be certified, with the mode in which it was performed, by endorsement on the instrument, which shall then be transmitted to the Court of Sudder Foujdary Adawlut, a copy being also deposited on the *criminal* judge's records. See Secs. x. and xi. Reg. III. 1830.

Second. When a prisoner under sentence is transferred by the *criminal* judge to the custody of another officer, the warrant shall be delivered with him, and on it shall be endorsed the extent of punishment already inflicted at the time of such transfer; a copy shall be deposited in the *criminal* judge's records, and it shall be the part of the officer under whose custody the sentence is completed further to endorse the warrant as directed in the preceding clause. See Act VII. 1850.

Third. But when, in the execution of a sentence of transportation, the prisoner and warrant are forwarded by the *criminal* judge, under the provisions of Regulation XIV. A.D. 1827, Section V. Clause First, to any officer not subordinate to the Sudder Foujdary Adawlut, a copy of the receipt of such officer shall be forwarded by the *criminal* judge to the Sudder Foujdary Adawlut, as a final return regarding the disposal of the prisoner.

CHAPTER III.

OF THE FUNCTIONS OF THE COURT OF *CIRCUIT*, AND DUTIES OF THE *CRIMINAL* JUDGE AS CONNECTED THEREWITH.*

Duties of the *judge on circuit*, to try prisoners,

and conduct investigations confided to him by the Sudder Adawlut.

XVI. *First.* The *judge on circuit* shall try all prisoners who may be brought before him for that purpose at the commencement or during the continuance of the sessions, and conduct such investigations as may be confided to him by the Court of Sudder Foujdary Adawlut, or by the Court of Sudder Dewanny Adawlut, according to the provisions contained in the third clause of Section VI. Regulation II. A.D. 1827, for trial of certain public officers. Modified by Reg. III. 1830.

To inspect *criminal* judge's and magistrate's proceedings, and notice errors,

Second. He shall have authority to examine and investigate cases tried in the *criminal* judge's and zillah magistrate's departments, to notice to the officer concerned erroneous judgments, and to forward cases, if neces- See Secs. iii. and iv. Reg. VIII. 1831.

* This chapter was modified as extended to the Dekhan and Khandesh (Poona and Ahmednuggur) by Section vi. Regulation XXX. 1827, and the powers of the session judge and commissioners of circuit respectively were declared in Regulation III. 1830. The rules of this chapter must be further considered subject to the modifications arising from the session judge holding sessions at his own station, and delivering the gaol of the assistant session judge at the detached station, in which case he stands to the assistant judge in the same relation as the Court of Circuit did to the criminal judge.

sary, to the Sudder Foujdary Adawlut for revised decision, under Section XXIX. Clause Fourth; he shall also inspect the whole proceedings and arrangements of the said departments, and notice any infringement or injudicious application of the law, or remissness in duty, by writing his sentiments to the officer concerned (who shall duly attend thereto) or to the Sudder Foujdary Adawlut, or both, as the case may require.

as may be required:

Third. The *judge on circuit* shall visit the civil and criminal gaols for the purposes mentioned in the preceding clause.

To visit the gaols,

Fourth. He shall also be empowered to inquire into and notice, as above described, arrangements and forms of procedure which relate to the Civil Court of the zillah.

and rectify the practice of the Civil Court:

Fifth. He shall receive and attend to all complaints and representations connected with the administration of criminal justice and police, or the general welfare of the district.

To receive and attend to all complaints on criminal matters, and generally, of importance.

XVII. *First.* If it shall appear that the *criminal* judge, or zillah magistrate, or any officer subordinate to either of them, has failed to take due cognizance of any matter brought before him, the *judge on circuit* shall have authority to cause the same to be done, and, if deemed expodient, a return to be made specifying the mode in which it is performed, by written order addressed to the head of the respective department.

The *judge on circuit* may direct a magistrate or *criminal* judge to inquire into any matter, and certify his proceedings in consequence:

Second. The *judge on circuit* shall have authority to reduce the amount of any penalty or security bond taken or demanded in the criminal or police department, or to annul the same altogether; his order being issued in writing to the head of the respective department.

He may also reduce or annul penalty bonds.

Third. In all matters not expressly placed at the discretion of the *judge on circuit* by enactment, wherein he may recommend in writing a deviation from the practice or proceeding adopted, the *criminal* judge and zillah magistrate may either comply therewith without incurring responsibility, or, if they see objections, may state them in writing to the *judge on circuit*, and request him to refer the matter for decision to the Court of Sudder Foujdary Adawlut, which the *judge on circuit*, if he is not convinced by the objections, shall accordingly do.

Orders by a *judge on circuit* may be obeyed without responsibility;

but on request made to the *judge on circuit*, a reference may be obtained to the Sudder Adawlut.

Now applicable to Magistrates. See Sec. vi. Reg. III. 1830, and Sec. iii. Reg. VIII. 1831.

XVIII. *First.* When a prisoner is committed to be tried at the sessions, the *criminal judge* shall inform him thereof, stating at the same time to the prisoner the precise act for which he is committed, as well as the manner how, and the time at which it is alleged to have been perpetrated, all which shall be recorded fully on the proceedings.

A prisoner committed for trial before the *Court of Circuit* to be duly apprised of the charge against him, with all details, which shall be recorded,

Second. The *criminal judge* shall be careful to ascertain from the prisoner what evidence he may desire to adduce on his defence, and to hold it in readiness; this inquiry shall be made at the time of commitment, as well as at any subsequent time, when it may seem conducive to completeness in the investigation, and it shall be recorded with its result on the proceedings.

The prisoner's evidence shall be asked for at the commitment, and at any other suitable time, and held in readiness,

See Sec. v. Reg. III. 1830, and Sec. vii. Reg. VIII. 1833.

XIX. *First.* The *judge on circuit* shall give at least fifteen (15) days' notice to the *criminal* judge of the time when the sessions is to commence; on the receipt of which, the *criminal* judge shall acquaint the zillah magistrate, and these officers shall cause a proclamation in the form of Appendix (E) to be made in the districts under their respective charge,

The *judge on circuit* to give at least fifteen days' previous notice of the sessions,

and proclamations to be made.

and report in writing to the *judge on circuit*, when he arrives, the execution of this duty, with the places at which it was performed.

The *criminal* judge to deliver to the *judge on circuit* the cases for trial,

Second. The *criminal* judge shall deliver to the *judge on circuit* at the commencement of the sessions the following documents:—

The cases for trial, comprising all details.

a calendar of persons for trial,

A calendar of persons committed, or held to bail, according to the form of Appendix (F).

additional calendars,

If additional cases should occur for trial during the sessions, they shall be in like manner delivered, the requisite matters being entered in a supplemental calendar, or so many as may be convenient; which shall be distinguished by numbers.

translations of proceedings in each case,

A translation into English of the *criminal* judge's proceedings in each case, and with it shall be delivered every exhibit made or produced before him, which contains evidence relevant to the case.

calendar of persons not appearing, though bound to do so, with translated extracts from the records.

A calendar of such persons as, having been bound over or enjoined to appear at the sessions, may nevertheless not be in attendance; it shall be in the form of Appendix (G), and shall be accompanied by an extract (translated into the English language) from the *criminal* judge's proceedings in the case of each such person, showing how and why he was so bound or enjoined, and any measures that may have been taken to ensure his attendance.

Periodical reports of the *criminal* judge and magistrate to be made up for inspection by the *judge on circuit*, and copies of any part of their records to be furnished.

Third. The *criminal* judge and zillah magistrate shall make up the periodical reports, which are required for transmission to the Sudder Foujdary Adawlut, to the period at which the sessions is to commence; and hold them in readiness for the inspection of the *judge on circuit*, whenever he may desire it; they shall also submit to his inspection or furnish him with copies of whatever part of their records he may require.

The *criminal* judge to hold in attendance all parties and witnesses, and to furnish a translation of any document.

Fourth. The *criminal* judge shall hold in attendance at the sessions all parties and witnesses concerned in the cases to be tried according to the rules contained in the Regulations, and he shall, if required, furnish the *Court of Circuit* with a translation in the English language of any document on his records.

The court to be held in the zillah court-room, or elsewhere, under specific arrangement, and the directions of the *criminal* judge.

XX. *First.* The *Court of Circuit*, when sitting at the Sudder station of any zillah, shall be held in the zillah court-room; when sitting in any other part of the zillah, it shall be held as arranged under the directions of Government for the occasion; in either case, the *criminal* judge shall execute the requisite measures for the convenience and accommodation of the court and dispatch of business.

Enlarged authority of the *Court of Circuit* to punish contempts:

Second. Beside the authority conferred in Section XI. to punish contempts of court, the *judge on circuit* may in such cases cause the *criminal* judge (by written order) to enforce the infliction of corporal punishment, not exceeding twenty-five (25) stripes, on the offender. See Act XXX. 1841.

to enforce penalties,

Third. In the case of a person bound or enjoined to appear at the sessions being absent, the enforcement, either wholly or in part, of any penalty or punishment to which he or his sureties may thereby be liable, shall be at the discretion of the *judge on circuit*, as well as the measures to be subsequently taken; also, the *judge on circuit* shall be empowered to direct security to be taken for any prisoner's good behaviour, all which shall be executed by the *criminal* judge, according to the written order of the *judge on circuit*.

and order security to be taken,

by written injunction.

Fourth. If the *judge on circuit* requires any additional evidence to be adduced in a case before him, or matter which he is desirous to investigate, or any alteration in the forms or arrangements of the business of the sessions, he shall procure it by a written order on the *criminal* judge.

as well as to procure evidence,

or alteration in the arrangement for dispatch of business.

XXI. *First.* The forms of conducting and recording trials by the *Court of Circuit* shall be the same as prescribed in Chapter VI. of this Regulation for criminal courts in general, with the following exceptions.

The rules for trial are as in Chapter VI., with a few exceptions.

Minutes of proceedings, corresponding as nearly as may be found convenient with the record prescribed to be kept by the *criminal* judge in Section XIV., shall be kept by the *judge on circuit* in the English language.

Minutes of proceedings on the records are in English.

Pleas, confessions, and defences, and generally all assertions made by prisoners on trial, require to be recorded no otherwise than by the judge duly entering them in his record of proceedings.

Prisoners' statements are entered on the record.

If it should appear during a trial that the charge with which it commenced is not applicable to the case, the *judge on circuit* shall be empowered to direct the *criminal* judge, by a written order, to commit the prisoner on any charge which he may deem expedient.

When the charge is incorrect, the prisoner to be remanded to the *criminal* judge, that it may be amended.

Second. With reference to Clause Third of Section XXXVIII., it is to be understood that it is not incumbent on the court to wait for evidence which the prisoner has omitted to mention before the *criminal* judge, unless the prisoner can satisfactorily explain the omission.

Prisoner's evidence not before named need not be waited for, if the omission is not explained.

See Sec. vii. Reg. VIII. 1831, and Act XIV. 1844.

Third. The *judge on circuit* shall pass sentence on each prisoner convicted, to the extent prescribed in the Regulations; but, if the punishment be death, transportation, or imprisonment for life, it shall not be executed until confirmed by the Court of Sudder Foujdary Adawlut: sentences which do not include any of the just specified punishments shall be notified to the *criminal* judge by warrants in the form of Appendix (H), and immediately executed; those which require to be confirmed by the Sudder Foujdary Adawlut shall be so explained to the prisoners, and notified to the *criminal* judge by warrants in the form of Appendix (I), according to the tenour of which the *criminal* judge will keep the prisoners in custody until receiving the final warrant.

Sentences passed by the *judge on circuit* to be communicated by warrant to the *criminal* judge, and immediately executed, except in cases of death, transportation, or perpetual imprisonment, when confirmation by the Sudder Adawlut is required.

Fourth. If a prisoner be convicted in more cases than one at the same sessions, the sentences may be combined in one warrant.

Sentences on the same prisoner may be combined.

XXII. *First.* The trial of a case, or of any particular prisoner in a case, may be postponed to the next sessions, by written order to the *criminal* judge, if circumstances material to the decision should require delay. A second similar postponement may be made for the same reason, but decision shall not be further protracted.

A trial may be postponed twice, but not longer delayed;

Second. If the *judge on circuit* meet with a case, which, from doubt in the application of law or other sufficient cause, he may consider expedient to be decided by the Court of Sudder Foujdary Adawlut, it shall be competent to him, after completing the trial, to refer it accordingly, without passing sentence; he shall apprize the prisoner of the reference, and notify it in writing to the *criminal* judge, who will keep the prisoner in custody until his disposal be ascertained by warrant or order from the Sudder Foujdary Adawlut.

and peculiar cases may be referred to the Sudder Foujdary Adawlut.

The records of all trials to be sent to the Sudder Foujdary Adawlut.

XXIII. *First.* The *judge on circuit* shall forward, to be deposited with the records of the Sudder Foujdary Adawlut, his minutes of proceedings in all trials, with the exhibits therein referred to, as well as all official documents furnished to him; the transmission shall be made so soon as he can dispense with the use of them.

See Secs. iii. and x. Reg. III. 1830.

Each case referred shall be accompanied by a letter.

Second. Each case referred for confirmation or decision to the Sudder Foujdary Adawlut shall be accompanied by a letter stating the same, and containing any remarks, explanation, or opinion which the judge may consider it expedient to introduce.

All other papers shall also be transmitted,

Third. Official correspondence, copies of orders, petitions, and miscellaneous records shall be transmitted to the Sudder Foujdary Adawlut as above described, unless their subject, by being referred to in the report described in the succeeding clause, renders it convenient to forward them therewith.

and a full report in all matters of importance to the public welfare to be made.

Fourth. At the expiration of each tour of circuit, the judge shall forward to the Sudder Foujdary Adawlut a report on the state of police in the several zillahs, where he has held *sessions;* which shall contain such remarks as he may have to offer respecting the trials which he has conducted, the state of the civil, criminal, and police establishments, and the condition and morals of the people; and it shall also convey any suggestions he may desire to offer, with a view to ameliorate their condition or habits, or promote in any way the public welfare.

See Sec. xii. Reg. III. 1830.

CHAPTER IV.

OF THE DUTIES OF THE *SPECIAL* COURT.*

The *Special Court* tries state offences.

XXIV. *First.* The *Special Court* shall try persons charged with offences of a political nature, as defined in Regulation XIV. A.D. 1827, Chapter III.

To assemble where directed by Government, and continue assembled until dissolved by the same authority.

Second. The members shall assemble at the place directed by the Governor in Council, the court shall be held in the zillah court-room, or such other place as may be prepared by the *criminal* judge of the zillah, under instructions from Government, and shall continue assembled until dissolved by order from Government.

The majority decides, but the dissentient member may record his opinion.

Third. In case of difference of opinion, the decision shall be regulated by the majority; but the dissentient member shall be entitled to enter a minute of his sentiments in the proceedings.

If one member is absent, two concurring may proceed, reporting the vacancy.

Fourth. If any one of the members shall be prevented, by death or other cause, from attending (after the court has been completed), the other two shall be competent to conduct the business in all points on which they agree, without waiting for the vacancy to be filled up, but the court shall immediately report the vacancy to the Governor in Council.

The *criminal* judge assists the *Special Court* as he would the *Court of Circuit.*

XXV. *First.* The custody of prisoners, attendance of witnesses, and production of evidence, shall be provided for by the *criminal* judge in the

* The trial of state offences was assigned to the visiting commissioners in supersession of the Special Court by Sec. x. Reg. III. 1830, and declared to be assignable to the ordinary tribunals by Reg. VII. 1833; and a general modification of the rules for the trial of such offences, with a view to uniformity, was provided by Act V. 1841. Such rules of this chapter as are not inconsistent with the last-mentioned enactment remain in force under the operation of the last part of Sec. iii. Act V. 1841.

same manner as for *Courts of Circuit*, and returns, corresponding with those specified in Clause Second, Section XIX. of this Regulation, shall also be furnished by the *criminal* judge.

Second. The provisions for procedure enacted for the *Court of Circuit* in the third and fourth clauses of Section XX. and the first and second clauses of Section XXI., shall be applicable to the *Special* Court.

Proceedings in certain points the same as those of the *Court of Circuit.*

XXVI. First.. If a prisoner be found guilty, the court shall decide on such sentence as may be prescribed by the Regulations, and forward to the Governor in Council the whole of its proceedings in each case, with translations into English of every exhibit which may have been used as evidence.

If the prisoner is found guilty, the court, after deciding on a sentence, reports the case in full to Government,

Second. The Governor in Council shall thereupon confirm, mitigate, or annul the sentence, as shall appear to him fit, and communicate the same to the Special Court, which shall then pass sentence accordingly in open court, and (if punishment be finally adjudged) shall issue a warrant for execution thereof to the criminal judge, in the form of Appendix (J), and the warrant shall thereafter be executed in the same manner as if issued by a Court of Circuit.

by whom such sentence as is deemed fit is confirmed, and thereafter passed, and, if requisite, a warrant issued to the criminal judge.

Third. If a prisoner be acquitted, the court shall forward its proceedings, as directed in the first clause of this section, and proceed to other business, or break up, as instructed.

If the prisoner is acquitted, the proceedings are reported, and further instructions awaited.

CHAPTER V.

OF THE DUTIES OF THE COURT OF SUDDER FOUJDARY ADAWLUT.

XXVII. *First.* The Court of Sudder Foujdary Adawlut shall superintend the administration of criminal justice and police, with a view to maintain correct application of the laws and orders issued on those subjects.

The Sudder Adawlut superintends criminal justice and police;

Second. It shall revise trials and investigate matters referred to it according to the Regulations, and pass final sentence or order thereon.

revises trials and conducts investigations,

Third. It shall observe and bring to the notice of Government defects in the laws, and methods of improving them.

observes and reports defects in the laws, and their remedies;

Fourth. It shall furnish information to Government of the state of police and criminal justice in each zillah, of offences from their prevalence or atrocity requiring particular notice, the increase or decrease of crime, and the causes of either fact, the state of the gaols, and the efficiency and activity of the official establishments: it shall also keep Government acquainted with the effects produced by the law, the condition of the people, and generally, all matters concerning the public welfare.

describes the state of police and criminal justice: increase or decrease of crime; the gaols; judicial establishment; the effects of the law, and the general condition of the people.

XXVIII. *First.* Two judges shall constitute a court; but, if they differ in opinion, the matter shall be deferred until it can be brought before a court composed of a greater number of judges.

Two judges are a court, but if they differ, a third must attend.

Second. If more than two judges are present, decisions shall be made according to the opinion of the majority; but, if the opinions are equally divided, the senior judge shall have the casting vote.

The majority decides, and in case of equality the senior has a casting vote.

Third. A puisne judge, who may have referred any matter while on circuit to the court, is not to be thereby precluded from voting if he be present; and, if not present, any sentence that he may have passed, or opinion that he may have recorded, is to be taken as a vote; which, in

The *judge of circuit's* opinion is however a vote,

the case supposed in Clause First of this Section, shall be sufficient to determine the majority without deferring the question, and, in the case supposed in Clause Second, shall be sufficient to determine either a majority or equality as if the said puisne judge were present.

and a single judge may act ministerially.

Fourth. A single judge shall be competent to administer *oaths*, record petitions, or perform any act which does not involve deliberation, nor amount to passing any discretionary order or decision.

The Sudder Adawlut may call for any document from a *criminal* judge or magistrate, a copy being substituted on the records.

XXIX. *First.* The Court of Sudder Foujdary Adawlut shall have authority to call for any record, or a copy of it, from the *criminal* judge's or zillah magistrate's department; and if an original paper be required, a copy thereof shall be substituted in the office from whence the original is furnished, with an endorsement referring to the order of the Sudder Foujdary Adawlut.

See Sec. vi. Reg. VIII. 1831.

Also for reports with the sanction of Government, if periodically required:

Second. The court shall have authority to call for returns from the *criminal* judge's and zillah magistrate's departments on any subjects respecting which it may desire information; but, if the said returns be required periodically, the sanction of Government shall be first obtained.

also for evidence, or the attendance of any person; fixing the penalties for failure, and causing them to be enforced.

Third. The court shall have authority to cause the *criminal* judges or zillah magistrates to take such evidence, or make such inquiries on any subject before it as may be desired, and to serve and enforce any summons, which shall be in the form of Appendix (K), which it may issue for the attendance before the court of any person to give evidence in a matter within its cognizance, as well as to fix, within the limits specified in Section XXXIV. Clause First, the penalties for default of attendance, and cause them to be levied.

It may also mitigate or annul any sentence or order of a *criminal* judge or magistrate: also any penalty bond so imposed,

Fourth. The court shall have authority to mitigate or annul, but not to commute, any sentence or order passed in the *criminal* judge's or zillah magistrate's department, and to remit or mitigate any penalty incurred or demanded in those departments, of the nature of bail, recognizance, or security, in which cases the order of the court shall be communicated by a precept, under the seal of the court and signature of the register, and shall be returned, when executed, with an endorsement certifying the same, a copy being kept in the respective department.

precept being duly issued, and a return made.

The Court may also cause an investigation to be instituted; a penalty bond to be passed.

Fifth. The court shall have authority to cause the *criminal* judges and zillah magistrates to take cognizance of any matter, or to demand any bail, recognizance, or security, according to the Regulations.

Sentence and order of the court in contempts and other matters to be executed.

Sixth. The court shall have authority to cause the *criminal* judge of the zillah in which it is stationed to execute any punishment it may award for contempt of court, under the provisions of *Section XI.*, or to hold in custody any person who may have become liable to confinement in the course of any proceeding.

Substitute Act XXX. 1841.

All irregularities and improprieties may further be noticed by the court,

Seventh. The court shall also be empowered to notice deviations from the Regulations, or from instructions issued in conformity thereto, or negligence, or impropriety in the discharge of official duties committed by any officer in the *criminal* judge's or zillah magistrate's department, and to express its sentiments on the subject to the head of the department, or, through his medium, to any subordinate officer; and if any officer in the said departments should wilfully disobey an order issued in conformity with the Regulations by the Court of Sudder Foujdary Adawlut, the said court shall represent the same to Government.

and disobedience of its orders is to be reported to Government.

Sec Sec. vii. Reg. VIII. 1831.

The court may intrust an investigation to the *judge on circuit*,

XXX. *First.* The Court of Sudder Foujdary Adawlut shall be authorized to delegate the investigation of any matter within its cognizance to a *judge on circuit*, to depute him to take any specified evidence, to issue instructions at his discretion to a *criminal* judge or zillah magistrate, respecting ulterior procedure in any matter within the said court's cognizance, or to pass a decision on any such matter, the same not exceeding the ordinary jurisdiction of a *Court of Circuit*.

and may appoint extra tours and sessions,

Second. When the court shall deem it expedient that an extra sessions at any zillah shall be held, it shall forthwith report its opinion, and the grounds of it, to the Governor in Council, and shall issue instructions to the respective *criminal* judges to make the requisite preparations.

obtaining the consent of Government in certain cases.

Third. When the court deems it expedient that a *Court of Circuit* shall sit elsewhere than at the Sudder station of any zillah, the consent of Government shall be obtained previously to issuing instructions to the *criminal* judge, and the application shall state what preparations for the accommodation of the court and dispatch of business are required, which shall be conducted by the *criminal* judge according to the sanction of Government, and an authenticated copy of any communication on the subject, addressed by Government to the Court of Sudder Foujdary Adawlut, shall be a sufficient voucher to any officer concerned therein.

Modified by Reg. III. 1830.

One session may be dispensed with, if there is no case for trial.

Fourth. If, at the usual period of circuit, there be no case ready for trial at any particular *zillah*, it shall be at the discretion of the Court of Sudder Foujdary Adawlut to dispense with the *judge on circuit* visiting that *zillah*; but if this should again occur at the next period of circuit, the *zillah* shall be visited as usual.

The court may review all proceedings of *Courts of Circuit*; some cannot be altered, others may be altered by Government, and others by the court.

Fifth. The Court of Sudder Foujdary Adawlut shall have authority to examine and conduct investigations on all orders whatever passed by a *judge on circuit*; the records of the *Court of Circuit*, placed at its disposal under Clause First of Section XXIII., being hereby declared at all times open to its inspection and use, equally with its own: of the said orders, rewards conferred by Regulation XII. of 1827, Sections XXXII. and XXIII., and pardons directed to be offered by virtue of Clause Third of Section XXXIV. of the same Regulation, shall remain undisturbed; sentences for contempt of court, passed under Section XI., or the Second Clause of Section XX., and sentences passed without reference to the Sudder Foujdary Adawlut, according to Clause Third of Section XXI., may be annulled or mitigated by [*the Governor in Council, to whom*] the Sudder Foujdary Adawlut [*may, under the following section, recommend such proceeding*], and all other of the said orders may be annulled or mitigated by the Sudder Foujdary Adawlut at its discretion.

See Act XXX. 1841.

Rescinded. See Sec. vii. Reg. VIII. 1831.

The court may recommend to Government to annul or mitigate final sentences,

XXXI. *First.* When the Court of Sudder Foujdary Adawlut shall consider any sentence, which the court cannot annul or alter, to require to be mitigated or annulled, whether as an act of mercy or justice, it shall represent the case, with all particulars, to the Governor in Council, specifying its opinion as to whether the punishment should be remitted wholly or in part, and it shall have authority to suspend, as may be practicable, the execution of such sentence, by written order to the officer in whose custody the prisoner may be, until the final decision of Government be made known.

and Government may mitigate or annul all sentences.

Second. In the event of such recommendation, the Governor in Council,

reserving to himself the full power of granting pardons or mitigating sentences, but not of commuting them otherwise than by substituting imprisonment or transportation for death, will furnish the requisite directions to the Court of Sudder Foujdary Adawlut, which shall forthwith issue a warrant for execution thereof.

with or without such recommendation.

Third. The Governor in Council also reserves to himself full power to grant indemnities, pardons, or mitigations, as described in the preceding clause, in all cases whatever wherein he may deem it expedient, execution whereof shall be done through the medium of the Sudder Foujdary Adawlut, as therein directed.

See Sec. ix. Reg. XXX. 1827.

The court to keep minute-books separate for each zillah.

XXXII. *First.* The Court of Sudder Foujdary Adawlut shall keep records of its proceedings in the same forms as are prescribed for the *criminal* judge, in Section XIV., a separate minute-book being kept for the business relating to each zillah.

Warrants for execution of sentences, and notifications of pardons, how issued.

Second. Warrants issued by the Sudder Foujdary Adawlut for the execution of sentences passed by the said court, or in the event of pardon or mitigation of punishment, granted by the Governor in Council, shall be respectively in the forms contained in Appendix (*L*), and when a prisoner is acquitted by the Sudder Foujdary Adawlut, the same shall be notified by a precept directed to the *criminal* judge, under the seal of the court and signature of the register.

The court to furnish Government with all information required.

XXXIII. *First.* The Court of Sudder Foujdary Adawlut shall furnish to the Governor in Council, as directed, returns and information on any subject within its cognizance; also copies of its proceedings, or any documents on its records.

Also periodical returns,

Second. It shall also forward to the Governor in Council such periodical returns, relating to the business transacted by it, or by any subordinate court, as may be directed by the said authority.

and general reports.

Third. There shall also be forwarded with the returns described in the preceding clause, a report analogous to that prescribed to be made by each judge on circuit in Clause Fourth of Section XXIII., which shall further specify the period employed in each of the circuits, with the nature and extent of any injury that may appear to have been occasioned by the detention of persons as witnesses at the Sudder stations.

See Sec. xii. Reg. III. 1830.

CHAPTER VI.

RULES FOR PROCURING, TAKING, AND RECORDING EVIDENCE, AND FOR THE CONDUCT OF TRIALS BY CRIMINAL COURTS.

Attendance of witnesses and production of articles procured by summons,

XXXIV. *First.* When any Criminal Court, except the Sudder Foujdary Adawlut, for which a particular mode is enacted, requires any person to give oral testimony, or produce any article in his possession as evidence, it shall issue a summons, under its seal and signature, containing the name of the said person, the purpose for which his attendance is required, and the time and place at which he is to attend; if immediate attendance be not enjoined, the summons shall also specify, if the measure be thought requisite, that the witness must pass a recognizance or security for his appearance, in default of furnishing which, he shall be brought

with recognizance or security, if required.

before the court, which shall either bind him over as just stated, or keep him in custody, if it appear necessary; the amount to be inserted in the recognizance or security-bond shall be stated in the summons, as well as a period of imprisonment, in commutation, which shall in no case exceed two (2) years, and the bonds shall be in the form of Appendices (M) and (N) respectively.

Second. If the witness is to be found within the jurisdiction of the court, an order shall be written on the summons addressed to the nazir, or any other officer of the court, to serve and execute it (which, if necessary, may be done by force), and a written return shall be endorsed thereon by the officer, showing how the summons was executed, or why it was not; but if the witness is not to be found within the jurisdiction, the court shall forward the summons to the magistrate in whose jurisdiction he may be, with a letter explaining the exigency of the case, and pointing out where the witness is to be found, and the said magistrate shall proceed to execute it, and endorse the result, as above directed to be done by the officer of the court: in either case, the summons shall be returned to the court by the period specified in it, whether executed or not.

to be executed by the Nazir,

or if the individual be in another jurisdiction, forwarded to the proper magistrate,

who will take proper measures to make a fit return,

Third. A magistrate, to whom a summons has been forwarded for execution, may, if he see sufficient cause, either reduce or increase the amount of penalty or period of imprisonment stated in the summons, specifying his reasons for the same in his return, and it shall be competent to a court, or to the magistrate above mentioned, when the attendance of a public officer in permanent official employ, or of an individual of known respectability and prudent demeanour, is required, to notify the same to him by written order or letter, and take no other security than his returning the same, with an endorsement, signifying his acquiescence.

altering penalties if he sees cause,

and penalties in certain cases are not required.

Fourth. If a witness should happen to be in court during a trial without having been previously summoned, he may forthwith be put on his examination.

A witness in court may be at once examined,

Fifth. In case of its being expedient to admit the evidence of an accomplice, the court shall be authorized to grant the same conditions as are placed at the discretion of a magistrate in Regulation XII. A.D. 1827, Section XXXIV.

and an accomplice may be admitted by the court as a witness.

Sixth. In the event of illness rendering it dangerous for a witness to be brought into court, or personal considerations rendering it disreputable for a female to appear there, the court may commission any trustworthy person to take the evidence at the witness's residence; but in the latter case the court may always require the attendance of the witness in court for sufficient reason, due care being taken to provide screens, or such other mode of concealment as is necessary to prevent her being publicly seen: the court may also, at its discretion, dispense with the attendance in court of a man of rank, and may cause his evidence to be otherwise taken.

Witnesses who cannot appear in open court may be examined apart.

Seventh. A deposition made before a competent authority by a witness who may have died before the final trial takes place shall be considered valid at such trial, though liable to such deduction from the weight which it would otherwise be held to possess, as the impossibility of further questioning him may suggest.

The deposition of a person since dead is valid, but

subject to reasonable deduction.

Eighth. Penalties incurred by the non-appearance of witnesses shall

Penalties for non-appearance leviable at

discretion by the trying court.

be levied and executed by order of the court before which the case is ultimately tried, which shall always have authority to mitigate them.

Subsistence allowed to witnesses detained from their homes.

Ninth. A witness, who may be obliged to leave his home, shall be entitled to an allowance for subsistence, while so detained, not exceeding a quarter of a rupee per day, which shall be paid by the collector to the order of the court.

The competency of witnesses the same as in civil suits.

XXXV. *First.* The competency of witnesses shall be determined according to rules on that subject laid down in Regulation IV. A.D. 1827, Section XXXIII.

Oral testimony to be committed to writing, and animals and articles produced to be duly identified and indicated.

Second. Oral testimony shall be committed to writing as prescribed in the succeeding section, and if any irrational animal or inanimate object is produced in elucidation of the case, the same shall be carefully identified, and the connection which it bears to the subject of investigation shall be shown in the recorded testimony, or in the minutes of the authority before whom it was produced.

Details required in a deposition.

Name,

age, religion, sect, and profession.

The form of narrative or conversation may be used; leading questions prohibited.

Oath or declaration inserted: deponent's signature and attestation of the court.

Oath to be administered at discretion.

XXXVI. *First.* Every deposition shall contain, so far as can be ascertained, the following particulars: the name of the deponent; if a male, or unmarried female, the name of the deponent's father; if a married female, that of her husband; also the deponent's age, religion, sect, and profession.

It shall be optional with the court to record the statement in the form of questions and answers, or as a continued relation; but leading questions, suggesting any particular answers, shall be carefully avoided.

The deposition shall further specify whether the deponent is speaking on *oath* or otherwise; it shall be signed by the deponent, and authenticated, as *sworn to** *or* declared, and also dated by the court.

Second. Such *oath** to speak the truth as may be considered binding on the deponent's conscience shall be administered previous to taking the deposition, unless, for reasons to be entered on the record of proceedings, it should be deemed expedient to dispense with it; and in either case, the witness shall be admonished as follows: "Be careful that you tell to the court the whole truth, and nothing but the truth, in the matter on which you are now to be examined, or otherwise you will be liable to punishment as a false witness."

Admonition to tell the truth.

Deposition to be read to the deponent, whose suggested alterations will be made, with exceptions.

Third. Every deposition shall be read over to the witness previously to his signing it, and if he desire to alter any part thereof, the alteration desired shall be made, if it appear to the court to be consistent with his original meaning and intention; otherwise, the court shall authenticate the deposition as first written, without taking the witness's signature, and proceed to take anew such deposition as the witness may desire, all which process shall be entered on the record of proceedings.

Contumacious refusal to give evidence, punishable by the court.

Fourth. A witness shall not be required to state any matter, or produce any article criminatory of himself: if (with this exception) he refuse to make answer, or to conform to any rules respecting evidence, the court shall commit him to be confined until he comply, and he shall also be liable to punishment for contempt of court, according to *Section XI.* Substitute Act XXX. 1841.

Prisoners' statements recorded as depositions, but not upon oath or compulsion,

XXXVII. *First.* Statements made by prisoners, whether confessions, denials, or defences, shall be recorded in the same way as depositions,

* Rescinded as respects Hindoos and Mahomedans by Act V. 1840.

except in respect to *oaths or* declarations: if a prisoner refuse to affix his signature, or make answer, no methods of compulsion shall be resorted to, but the fact shall be so recorded on the proceedings; and every confession made by a prisoner, in a case which is to be tried by a different court from that in which it is made, shall be authenticated by the certification and signature of two competent persons present, who shall be held in attendance at the final trial.

and if not made before the trying court, to be duly witnessed.

Second. A prisoner's confession made before the court in which he is tried shall be sufficient proof for conviction, provided that on having the evidence in the case (or such part of it taken before any competent authority as, if admitted to be true, would prove the charge) read over to him, he confirm the confession; but, if a prisoner's statement contain a confession of the charge against him jointly with exculpatory circumstances, the one shall not be acted on without the other; and confessions made before any authority different from that by which the trial is held, or before any individual, shall be deemed of weight according to the degree of corroboration they may receive before the court.

Confession before the trying court suffices for conviction,

but must be taken strictly as a whole,

and if made before any other authority, will be estimated by the court.

XXXVIII. *First.* A prisoner shall be allowed to employ whomsoever he can procure as counsel, or pleader, on his behalf; but the prisoner's presence shall not thereby be dispensed with, nor shall the court receive any pleading or assertion, except confirmed by the prisoner himself, nor record it otherwise than as made by himself.

The prisoner may employ a pleader, but when addressed by the court must answer for himself.

Second. Evidence shall always be taken in presence of the prisoner, and if, from ignorance of the language in which it is given, or other cause, he has difficulty in understanding it, full explanation shall be given, and the privilege of examining witnesses shall also be open to him in its fullest extent.

All evidence to be delivered in the prisoner's presence, and explained to him if necessary, and he may also cross-examine witnesses,

Third. The prisoner shall always be called on for his defence, after the evidence for the prosecution has been completed, and any evidence which he may point out for that purpose shall be procured by the court, and a reasonable period of time allowed.

make his defence, and adduce evidence, reasonable time being allowed.

Fourth. The charge on which a prisoner is tried shall be distinctly stated to him at the commencement of the trial, and he shall be furnished with any information he may desire at any time during the same from the records of the court; and if it shall appear during a trial conducted before a *criminal* judge, that the charge with which it commenced is not applicable to the case, a correct charge shall be framed, and stated anew to the prisoner for his information as to the object of investigation.

The charge shall be distinctly stated at the commencement,

and if altered in a case before the *criminal* judge, the prisoner shall be informed.

Fifth. The provisions of Regulation IV. A.D. 1827, Section XXIV. for enabling courts of civil justice in which Europeans preside to avail themselves of the assistance of respectable natives in the trial of suits, by employing them as members of a punchaet, or as assessors, or more nearly as a jury, the decision, however, being in all cases vested in the authority presiding in the court, are applicable to courts of criminal justice.

The court may be assisted by respectable natives, as in the trial of civil suits.

Sixth. [The law officers' opinion as to the punishment, how to be taken.] *Rescinded by Sec. VIII. Reg. VIII.* 1831.

Seventh. All sentences shall be declared to the respective convicts in open court; and every prisoner, after being sentenced, shall be entitled to be furnished with a copy (authenticated by the court) of the sentence, or of any document recorded as evidence on the trial.

Sentences shall be passed in open court, and recorded, and the prisoner may have a copy.

and is also entitled to demand bail, as permitted by law.

Eighth. A prisoner shall at any time during a trial be entitled to the benefit of putting in bail, instead of being committed to prison, when the same is consistent with the rules on that subject in Regulation XII. A.D. 1827, or in any other part of the code; and the conditions thereof shall be regulated by the court in the manner prescribed for magistrates.

Documents framed in preparatory investigations are sufficient exhibits in all trying courts, except the *Court of Circuit*.

XXXIX. If a deposition, statement, or confession made before any police authority be forwarded as evidence in the case to another authority, it shall, if confirmed by the declarant before the latter authority, which shall duly authenticate such confirmation, be a sufficient exhibit, except in trials before a *Court of Circuit*, wherein every oral declaration shall be recorded afresh direct from the declarant.

Informal intelligence may be procured, but shall not operate as evidence.

XL. Nothing contained in this chapter shall preclude a court from procuring information otherwise than as therein described (the same not being allowed to operate towards conviction) for the purpose of discovering other evidence, which may be admissible in due form.

A prisoner set at liberty may be delivered over to the magistrate, with all information for precautionary purposes.

XLI. Previously to setting a prisoner at liberty, whether he has been acquitted or committed, it shall be competent to the court to forward the prisoner to the custody of the magistrate of the respective zillah, or that in which the prisoner usually resides, with a copy of such proceedings and evidence as tend to prove the expediency of adopting precautionary measures for his future conduct, in which case the magistrate shall act according to his judgment.

CHAPTER VII.

OF THE GAOL, AND OF THE CUSTODY AND TREATMENT OF PRISONERS.

The gaol to be under the *criminal* judge, and the nazir and gaoler to govern it as he directs.

XLII. *First.* The criminal gaol in each zillah shall be placed under the charge of the *criminal* judge, and the gaoler shall, under the immediate superintendence of the nazir, maintain strict adherence to the rules and precautions enacted, or pointed out by the *criminal* judge. See Reg. XVI. 1828.

The civil surgeon attends the prisoners,

Second. The civil surgeon of the station shall attend the gaol, and administer remedies to the sick.

who receive, at the expense of Government, an allowance of food, and in some cases some money;

Third. All persons confined in the criminal gaol shall be subsisted at the expense of Government; the allowance shall be regulated by the *criminal* judge, according to the prisoner's previous habits, but shall in no case exceed a quarter of a rupee daily, and it shall not be made in money, but food, unless the *criminal* judge see good reason for allowing as an indulgence a small portion to be given in cash.

also clothing and other indispensable articles.

Fourth. Such clothing and other articles as are absolutely necessary shall also be furnished, at the expense of Government, according to the directions of the *criminal* judge.

The *criminal* judge to forward prisoners' petitions made to the Sudder Adawlut, and to visit the gaol once a month to redress grievances and maintain proper management.

Fifth. The *criminal* judge shall forward to the Sudder Foujdary Adawlut the petitions of prisoners to that court: he shall also at least once in each month visit the gaol, or depute one of his assistants on the duty, to redress grievances, to enforce attention to cleanliness, salubrity, and security, and to maintain a proper management in all respects.

XLIII. *First.* When any person is committed to confinement, a written order, under the seal of the court, and signature of the *criminal* judge, or one of his assistants, shall be issued to the nazir; it shall mention the date of commitment, and whether the confinement is to continue until further orders, or for a specific period. Each prisoner is admitted into the gaol under an order signed and sealed,

Second. If the prisoner is required to furnish security, or sentenced to undergo punishment, the same shall be detailed in the above-mentioned order; and the nazir shall cause it to be executed under the directions of the *criminal* judge, endorsing the time and mode of execution on the order. detailing any punishment or security directed, and the nazir executes and makes returns,

Third. If a prisoner die, make his escape, or be released in any manner which would not be shown by the endorsement described in the preceding clause, the nazir shall certify the occurrence, and its date, in writing on the order. reporting in like manner deaths and escapes.

Fourth. When a prisoner is released after having been confined six months or upwards, the *criminal* judge shall, if he sees sufficient reason, grant him a sum of money not exceeding one month's subsistence at the rate mentioned in the third clause of the preceding section. After six months' confinement, a small sum may be given to a prisoner when released.

XLIV. *First.* Male prisoners shall be kept separate from the females, the sick from those in health, those untried from convicts, and accomplices admitted as witnesses from all others, as also criminals under sentence of death. Separation and classification of prisoners in support of morality and healthiness,

Second. So far as the capacity of the gaol will admit, separate apartments shall be allotted for the following descriptions of prisoners:— and as dictated by justice,

Those sentenced to punishment of a greater degree than zillah magistrates are authorized to inflict.

Those committed to be tried by a *Court of Circuit.*

Those sentenced to punishment within the degree which zillah magistrates are authorized to inflict.

Due regard shall also be paid in the sub-division of the above-described classes to the relative atrocity of the crimes of the prisoners.

Third. The *criminal* judge shall make his arrangements with all possible regard to religious prejudices, that the prisoners may not be subject to causes of excommunication or contamination; and he shall, by every means consistent with security, alleviate the confinement of such as are not convicts, and protect them from the necessity of associating with persons of vicious or degraded habits, and with this view he may for sufficient cause remove a prisoner to the civil gaol, if it can be done with due regard to safe custody. and humanity.

See Act XVIII. 1845.

XLV. *First.* Prisoners sentenced to hard labour, transportation, or death, shall be secured with fetters, which, as well as handcuffs or stocks, may be used to secure prisoners of any other description, if necessary. Convicts under heavy sentences to be secured with fetters, &c., and others in cases of necessity.

Modified by Sec. 1. Act XI. 1840.

Second. Any prisoner confined under a sentence which does not include hard labour may (unless it be expressly forbidden in the warrant) be employed in such manufacture or other occupation, as can be performed under shelter, and does not require severe exertion, for a period not exceeding six hours each day. *All convicts not expressly exempted may be employed in prison labour.*

Third. If a prisoner should refuse to perform labour lawfully required, Resisting work may be punished.

he may be compelled by the means authorized in the ensuing section, except that stripes shall only be employed in the case of a prisoner sentenced to hard labour.

The *criminal* judge may punish misconduct of prisoners,

by flogging, solitary confinement 15 days, confinement in the stocks, privation.

XLVI. *First.* The *criminal* judge shall be attentive to prevent drunkenness, gaming, and immoral or disorderly conduct of any sort, within the gaol. See Act XVIII. 1845.

Second. For the above purpose, as well as to punish attempts at escape, he shall be authorized to inflict on prisoners misbehaving themselves punishment of the following nature:—

Stripes.

Solitary confinement for a period not exceeding fifteen (15) days.

Reduced allowance of food or conjee diet.

Confinement in stocks.

APPENDIX (A).

Appendix (A).

(See Section III. Clause Second, and Section IV. Clause Fourth.)

Form of oath to be taken by a judge of the Sudder Foujdary Adawlut, or of a *Special* Court.

I, A. B. solemnly swear that I will truly and faithfully execute the duties of judge of the Court of Sudder Foujdary Adawlut (or judge of the *Special* Court to which I am appointed); that I will administer justice according to the Regulations in force, to the best of my ability, without fear, favour, or promise or hope of reward; that I will not receive, directly or indirectly, nor permit any person under my authority so to receive, any present, either in money or in any other mode, on account of any matter which is, or has been, or is to be, investigated or decided by or brought before the said court, or by or before myself in any capacity arising from my appointment in it, and that I will not derive any emolument from my office except as authorized by Government.—So help me God.

(Signature.)

(Date.)

APPENDIX (B).

Appendix (B).

(See Section III. Clause Second, and Section IV. Clause Fourth, and *Section VI. Clause First.*)

Form of oath to be taken by a register or assistant register to the Court of Sudder Foujdary Adawlut, *Special Court, or Court of Circuit.*

I, A. B. { Register / or / Assistant Register } to the { Sudder Foujdary Adawlut, / *Special Court* now assembled, / *Court of Circuit* now sitting, } solemnly swear that I will perform truly and faithfully the duties of the said office to the best of my ability; that I will not receive, directly or indirectly, any present in money, or in any other mode, on account of any matter which is, or has been, or is to be investigated or brought before the said court, and that I will not derive any emolument from my office except as authorized by Government.—So help me God.

(Signature.)

(Date.)

APPENDIX (C).

(See Section VII. Clause Second, and Section VIII. Clause First.) Appendix (C).

Form of oath to be taken by a *criminal* judge or his assistant.)

I, A. B. appointed { *Criminal* Judge - - - - - - - - - or, Senior or 1st, &c. Senior - Junior or 1st, &c. Junior - } Assistant to the *Criminal* Judge - - } of the zillah of ——, solemnly swear, that I will to the best of my ability preserve the peace at the Sudder station of the said zillah, and decide on the matters brought before me, and perform the functions of my office with impartiality and integrity according to the Regulations in force; and that I will not receive, nor permit any person under my authority to receive, directly or indirectly, any present, either in money or in any other mode, in the execution or on account of any matter relating to the duties of my office; and that I will not derive any emolument from my office except as authorized by Government.—So help me God.

(Date.) (Signature.)

APPENDIX (D).

(See Section IX. Clause First.) Appendix (D).

List of days on which courts are to be closed besides Sundays and local holidays.

New Year's day - - -	1st January.
Good Friday	
Nativity of Christ - - -	25th December.
The Queen's birth-day.	

APPENDIX (E).

(See Section XIX. Clause First.) Appendix (E).

Form of proclamation of the Sessions.*

Whereas information has been received from the *judge on circuit* announcing his intention of holding a Court of Sessions at (here insert the place where it is to be held), on or about (here insert the time, both in the English era, and that commonly used in the language of the proclamation), all persons bound or required to appear before the said court are hereby informed thereof, and in default of attendance, they will be liable to whatever penalty may attach to the omission.

And all persons desirous of making any representation to the *judge on circuit* respecting the administration of justice, or grievances incurred in it, are informed that their statements will be heard.

(Signature of the *criminal* judge or magistrate.)

(Date.)

APPENDIX (F).

Appendix (F).

(See Section XIX. Clause Second.)

Form of calendar of prisoners for trial at the sessions.

Calendar of prisoners committed or held to bail for trial at the sessions at ———.

Dated (here insert the date on which the calendar is delivered to the *judge on circuit*).

Number of the Case.	Name of the Prisoner.	Description of any previous Sentence which may still be in Course of Execution against the Prisoner, and how far it has been executed.*	Abstract of the Charge, and Date on which preferrred.	Whether committed or held to Bail, and on what date.	Abstract of the Grounds for subjecting the Prisoner to Trial.	Names of the Witnesses for the Prosecution.	Names of Witnesses called by the Prisoner.

* N.B.—If there be no prisoner so situated, this column may be dispensed with.

APPENDIX (G).

Appendix (G).

(See Section XIX. Clause Second.)

Form of calendar of persons absent in breach of engagement.

Calendar of absent persons whose attendance has been required at the sessions, at ———.

* Date (date of delivery).

Names of Persons on Bail for Trial, and Number of the Case in which each is concerned.	Names of Witnesses and Number of the Case in which each is concerned.	Names of Persons whose Attendance may have been required for Purposes not included in the preceding Columns, and Abstract of the said Purposes.	Abstract of the Mode in which the Absentee has been bound or enjoined to appear.

APPENDIX (H).

(See Section XXI. Clause Third.)

Appendix (H).

Form of warrant for executing a sentence passed finally by a *Court of Circuit*.

Seal.

To (here insert the official direction of the *criminal* judge).

Whereas at a *Court of Circuit* held at (here insert the name of the place and zillah), before (here insert the name of the judge and his official designation *in the Sudder Foujdary Adawlut*), the prisoner (here insert the name) has been tried on a charge (or charges) recorded in case (or cases) numbered (here insert the number or numbers) in the calendar, dated ———, and convicted of (here insert the conviction), and the said prisoner has therefore been sentenced to (here insert the sentence); you are hereby required to execute the said sentence according to the Regulations.

(Signed) (By the *judge on circuit*.)

(Here insert the date.)

APPENDIX (I).

(See Section XXI. Clause Third.)

Appendix (I).

Form of warrant for keeping a prisoner in custody whilst a sentence passed by a *Court of Circuit* is referred to the Sudder Foujdary Adawlut.

Seal.

To (here insert the official direction of the *criminal* judge).

Whereas at a *Court of Circuit* held at (here insert the name of the place and zillah), before (here insert the name of the judge and his official designation *in the Sudder Foujdary Adawlut*), the prisoner (here insert the name) has been tried on a charge (or charges) recorded in case (or cases) numbered (here insert the number or numbers) in the calendar dated ———, and convicted of (here insert the conviction), and the said prisoner has therefore been sentenced to (here insert the sentence), which sentence, however, is subject to the final decision of the Court of Sudder Foujdary Adawlut; you are hereby required to keep the said prisoner in custody until you receive final instructions from the said court.

(Signed) (By the *judge on circuit*.)

(Here insert the date.)

APPENDIX (J).

Appendix (J).

(See Section XXVI. Clause Second.)

Form of warrant for executing a sentence passed by a *Special* Court.

To (here insert the official address of the *criminal* judge).

Whereas at a *Special* Court assembled by order of the Governor in Council, under date ———, in the zillah of ———, the prisoner ——— has been tried on a charge of (here insert the charge) and found guilty of the same; and whereas, on the proceedings held at the said trial being laid before the Governor in Council, instructions were issued by that authority in { confirmation / or / mitigation } of the sentence awarded by the court, and according thereto the said prisoner has been finally sentenced to (here insert the sentence), you are hereby required to execute the said sentence according to the Regulations.

(Signed by the members of the court, with their respective official designations.)

(Insert the date of the sentence.)

APPENDIX (K).

Appendix (K).

(See Section XXIX. Clause Third.)

Form of summons to be used for procuring the attendance of a witness before the Sudder Foujdary Adawlut.

Seal.

To (insert the name of the witness, and, so far as may be known or necessary to identify the person, the particulars prescribed in the first clause of Section XXXVI. to be inserted in a deposition).

Whereas your presence is required before the Court of Sudder Foujdary Adawlut, to afford information respecting (here insert in general terms the purpose for which the witness's presence is required), you are hereby required to attend before the said court at (seat of the court) on the (insert the time): (If the witness is required to produce any article, here add "and to bring with you,") &c.

In failure whereof, you will be liable to the penalties which attach by Regulation to the same.

(Signature and official designation of the register.)

(Date.)

N.B.—An endorsement shall be made on the summons, specifying either that the officer to whom it is addressed shall use his discretion in applying any of the modes of enforcement detailed in the first clause of Section XXXIV., or directing which of them shall be resorted to, and the extent of penalty to be inserted.

APPENDIX (L).

Appendix (L). No. 1.

No. 1.

(See Section XXXII. Clause Second.)

Form of warrant for executing a sentence passed by the Sudder Foujdary Adawlut in a case referred to it by a *Court of Circuit or criminal* judge.

Seal.

To ———.

Criminal judge of the zillah of ———.

Whereas a case was referred to the Court of Sudder Foujdary Adawlut on the (insert the date of the reference), by the { *criminal* judge of the - - - - / *judge on circuit* holding a session in the } zillah of ———, wherein (insert the name of the convict) was charged with (insert the charge), and has been found { guilty - - - - - - - / under circumstances of extenuation guilty / or / not guilty - - - - - - } thereof, and has been sentenced to (insert the sentence); you are hereby required to { execute the said sentence / or / discharge him - - } according to the Regulations.

(Signatures and official designations of a sufficient number of judges to constitute a court.)

(Date.)

No. 2.

No. 2.

(See Section XXXII. Clause Second.)

Form of warrant to be used when pardon or mitigation of punishment is granted by Government.

Seal.

To (insert the address of the officer in whose custody the prisoner may be).

Whereas (insert the name of the prisoner) was convicted before (insert the convicting authority) of (insert the crime of which the prisoner was convicted), and sentenced to (insert the sentence), for execution of which a warrant was issued to (insert the designation of the officer to whom the warrant was addressed) on the (insert the date of the warrant), and it has been deemed expedient by the Governor in Council that { the said punishment shall be mitigated, / or / the said prisoner be pardoned - - } which resolution has been signified to the Court of Sudder Foujdary Adawlut, in a letter dated (insert the date of the Government order), the sentence is in consequence recalled, and the said warrant cancelled; and you are hereby required, according to the said resolution of Government, to { set the said prisoner at liberty - - - - / or / (here insert whatever punishment is to be inflicted) } and to return the said cancelled warrant with this present one when the latter shall have been duly executed.

(Signature and official designations of a sufficient number of the judges to constitute a court.)

(Insert the date.)

APPENDIX (M).

Appendix (M).

(See Section XXXIV. Clause First.)

Form of recognizance to be entered into by a witness.

I (insert the name and profession of the witness, and of his or her father, if the witness be a male or unmarried female, and if a married female, then the name of her husband and his profession, and in either case the residence of the witness), hereby bind myself to be in attendance on (insert the time) at (insert the place), in order to give evidence before (insert the authority before which the witness is summoned to appear), and there to continue until dismissed by the said (insert the above said authority).

In failure whereof, I shall be liable to forfeit the sum of rupees (insert the amount) to Government; and if the said forfeiture be not paid, I shall be liable to imprisonment in the criminal gaol for the term of (insert the period).

(Signature of the witness.)

(Date.)

(Authentication by the officer before whom the instrument is executed.)

APPENDIX (N).

Appendix (N).

(See Section XXXIV. Clause First.)

Form of penalty bond to be entered into by a security for the attendance of a witness.

I (insert a sufficient designation of the security) hereby bind myself as security for (insert the name of the witness), who is bound to appear for the purpose of giving evidence before (insert the authority before which the witness is to appear) on (insert the time), at (insert the place), and there to continue until dismissed by the said authority.

If the said (insert the witness's name) fail in any of these conditions, I engage to forfeit the sum of rupees (insert the amount) to Government, and if the said forfeiture be not paid, I shall be liable to be imprisoned in the criminal gaol for a period of (insert the period).

(Signature of the security.)

(Date.)

(Authentication of the officer before whom the instrument is executed.)

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1827. REGULATION XIV.

Reg. XIV. 1827.

CONSISTING OF SIX (6) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	A general Description of the Acts which are to be considered criminal, with reference to the Mode in which each is punishable	I.
II.	Of Punishments, and the Mode of their Execution	III.
III.	Of Offences against the State in its Domestic and Foreign Relations, and the Punishments to which they are liable, comprising— Treason: Rebellion: Unlawful Attempt to alter the established Laws: Disturbing the Peace of Foreign States	XII.
IV.	Of Offences against Morality or the Community at large, and the Punishments to which they are liable; comprising— Perjury: Forgery: Coining: Issuing Base Coin; Selling Poisons: Disguising the Appearance of valuable Articles: Fraudulent Use of Weights or Measures: Fraudulently describing Articles offered for Sale: Violation of local Police Rules: Escape from Custody: Resistance of Legal Process	XVI.
V.	Of Offences against the Person, and the Punishments to which they are liable; comprising— Murder: Culpable Homicide: Procuring Abortion: Rape and other Assaults: Insult and Threatening: Illegal import, export, and transfer of Slaves: Kidnapping, Detention, and Forced Service: Denunciations by Means of Traga, Dhurna, Jhanna, &c. ...	XXVI.
VI.	Of Offences against Property, and the Punishments to which they are liable; comprising— Gang Robbery: Robbery: Theft: Breach of Trust: Receiving Stolen Goods: Destroying Property	XXXV.

SUPPLEMENTS.

I. Regulation XVII. 1828.
II. ——— III. 1829.
III. ——— XVI. 1830.
IV. ——— V. 1831.

A REGULATION *for defining Crimes and Offences, and specifying the Punishments to be inflicted for the same.* PASSED *by the Governor in Council, on the* 1*st January*, 1827.

WHEREAS the principles of justice require that the punishments to be inflicted on criminals, and the offences by which those punishments are respectively incurred, should be publicly promulgated; and whereas, in conformity with this object and with the enactments of the British Legislature, it has been the practice of the British Government of Bombay to apply to its subjects respectively their peculiar laws, modified and amended as necessity required by Regulations passed and published, the courts of justice ascertaining the native law in each case, as it occurred, by a reference to the law officer of the religion of the offender; and whereas an enactment, which should enumerate various offences, and specify their respective punishments, the same being the general result of the practice of the courts, founded on the successive expositions of the law officers consulted, must, to a considerable extent, secure the more steady observance of the principle of administering to individuals the law of their religion, by avoiding the probable variation in the expositions of different officers given each at the moment when the law is about to be applied; and whereas such an enactment will also combine the great advantages of superior publicity to the law, and of substituting a suitable discretion for the indefinite power conferred in numerous instances on the court by the expositions of the law officers, while it will also provide a code easy of access for those individuals of the community to whom, as not being subject to any specific national or religious code of criminal law, the English law has, with considerable inconvenience, been hitherto applied;—the following Rules are therefore enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

A GENERAL DESCRIPTION OF THE ACTS WHICH ARE TO BE CONSIDERED CRIMINAL, WITH REFERENCE TO THE MODE IN WHICH EACH IS PUNISHABLE.

Specification of penal acts.

1. *First.* Actions such as those hereafter enumerated are declared to be liable to the punishments respectively assigned:—

Offences against the State,

1. Offences committed against the state in its domestic or foreign relations, as defined with the punishments to which they are liable in Chapter III.

morality, and the community at large,

2. Offences against morality, or the community at large, as defined with the punishments to which they are liable in Chapter IV.

person,

3. Offences against the person, as defined with the punishments to which they are liable in Chapter V.

and property.

4. Offences against property, as defined with the punishments to which they are liable in Chapter VI.

Offences peculiar to certain public officers,

5. Acts committed by public officers in breach of rules established for their guidance, the definition of and punishment for which are specified in those parts of the code which relate to such officers respectively.

or against particular enactments,

6. Acts which (whether or not abstractedly criminal) constitute breach

of laws made for particular purposes, the definitions of and punishments for which are specified in the parts of the code relating to them respectively.

See Sec. iv. Reg. VIII. 1831.

7. Offences declared penal by the religious law of the person charged, provided they be not included among those for which punishment is enacted in the Code of Regulations, but, nevertheless, constitute a breach of morality or the peace or good order of society: they shall be liable to such punishment as may be prescribed by the religious law of the convict, if it be of a nature authorized in Section III. of this Regulation; otherwise it shall be commuted to such of the punishments therein authorized as may be deemed equivalent and appropriate by the authority taking cognizance of the case.

or the religion of the offender.

Second. An attempt to commit any of the above acts shall be punished according to the court's judgment, founded on a combined consideration of the measure of guilt attempted and committed; but the punishment for such attempt shall in no case exceed that prescribed for the actual commission of the offence attempted.

Attempts, how punishable,

Third. The unintentional commission of any of the above acts shall be punished according to the court's judgment of the culpable disregard of injury to others evinced by the person committing the said act, but the punishment for such unintentional commission shall not exceed that prescribed for the offence committed.

and offences not specifically designed.

Fourth. If the case should combine the conditions of the two last preceding clauses, a combined prosecution under both may likewise be instituted; but the punishment shall not exceed that which could be adjudged under either of the said clauses, which the court in its discretion may decide to apply.

Mixed cases, how prosecuted and punished.

Fifth. Instigating or aiding in any of the above offences committed or attempted, shall be punishable as the respective offences; and in treason, rebellion, murder, or gang-robbery, concealment, whether before or after the fact, shall be punishable equally with instigation or aid.

Instigation and aid, how punishable, also concealment, in the case of serious crimes.

Sixth. Concealment before the fact, in the case of any offence not specified in the preceding clause with reference to concealment, shall, if the offence be attempted or committed, be liable to punishment of the same nature (exclusive of death, transportation, or imprisonment for life) as that assigned to the respective offence, but only to half the extent.

Concealment before the fact, in other cases, how punishable.

Seventh. The provisions of Clause Sixth shall not apply to concealment in favour of a parent or child, husband or wife, brother or sister of the concealer; and protection or concealment, after the fact, of the offender or the offence, when any of the said connexions exist, shall never be punishable, unless the protection afforded be attended with such violence or threats of the same towards a third person, as would probably occasion death or maiming to the person against whom directed.

Special rules with regard to near connexions.

Eighth. The degree of punishment inflicted by virtue of Clauses Fifth, Sixth, and Seventh, shall not be considered as necessarily regulated by that to which the principal in that particular case may have been sentenced, but may be greater or less, according to circumstances, and within the prescribed limit.

Accessories may be punished more severely than principals.

Ninth. Conviction or acquittal of any particular offence is not to exempt the culprit from being tried for any criminal act of different denomination, which may have been committed at the same time, provided that it was

Offences simultaneously committed may be prosecuted separately.

not virtually included in the charge on which he may have been so convicted or acquitted.

Criminal offences not prosecutable in the Civil Court.

II. *First.* Criminal offences, as above described, shall not be made subjects of litigation in the Civil Courts, except in the following instances, and then the institution or result of a civil suit shall in no way depend on or affect any prosecution of the offence in the Criminal Court.

Exception in certain cases of private injury,

Second. Acts of fraud specified in Section XXII.; petty assaults, abuse, and calumny specified in Section XXIX. Clause Second; fraudulent removal of property specified in Section XL., and damage to private property specified in Section XLII. Clause Second, may be prosecuted in the Civil Court by the complainant.

and of the misconduct of public servants

Third. Breaches of duty in native officers of courts of justice, and in natives employed in police duties, or in the collection of revenue, taxes, or customs, may likewise, in conformity with the several sections of Regulations II. XII. XIII. XVI. XVII. XVIII., and Chapter III. of Regulation XX. A.D. 1827, which treat of those offences, be prosecuted in the Civil Court by the complainant. See Act XIII 1850

CHAPTER II.

OF PUNISHMENTS, AND THE MODE OF THEIR EXECUTION.

Specification of punishments.

III. *First.* The following punishments, and no others, are authorized to be inflicted for the offences to which they are respectively assigned in the Code of Regulations :—

1. Death - - - - -	under the rules prescribed in	Section IV.
2. Transportation - - -		Section V.
3. Confiscation of property - -		Section VI.
4. Imprisonment, which may be solitary or ordinary, and include banishment and hard labour - - - -		Section VII.
5. Flogging - - - -		Section VIII.
6. Fine - - - - -		Section IX.
[7. *Public disgrace* - - -		*Section X.*] Rescinded by Act II. 1849
8. Personal restraint - - -		Section XI.

Punishment may be delayed, if its infliction would occasion suffering not contemplated

Second. If a prisoner sentenced to punishment by any authority, except a *Special Court*, should be seized with illness or be liable to personal infirmity of such nature as would occasion the execution of the sentence to produce corporal evil of a sort not intended, the officer whose duty it may be to execute the sentence shall be authorized to delay it, till such illness or infirmity may have ceased, if temporary; and, if permanent, he shall report the case to the Sudder Fonjdary Adawlut, which shall have authority to recall the warrant, and issue another containing a sentence of such commuted punishment as it may deem adequate, the same being of the nature and within the limit prescribed for the respective offence; but if the original sentence have been passed by a *Special Court*, the remedy in the case contemplated shall be sought for from the Governor in Council, by the means described in Regulation XIII. A.D. 1827, Sec- See Act V 1841

tion XXXI., the officer in charge of the prisoner being authorized to act in the interim as above stated.

Death how to be inflicted: time and place.

IV. *First.* The punishment of death shall be inflicted by hanging the criminal by the neck; and such time of day (being between sunrise and sunset), as well as such spot, at the place expressed in the warrant, shall be selected as may afford the greatest possible publicity to the execution, which also shall not take place on Sunday, Good Friday, or Christmas day.

Ceremonies which may be used.

Second. All executions shall be conducted in a manner calculated to impress the spectators with awe, and when specified in the warrant, they shall be accompanied with such circumstances in the dress or exposure of the criminal, as without adding to his sufferings may increase the impression on the spectators.

The body, how to be disposed of.

Third. If so directed in the warrant, the body shall remain suspended in chains, otherwise it shall be delivered to any one who may apply for the purpose of performing funeral rites, and if no application be made, shall be buried at the place of execution.

Also the gibbet.

Fourth. The gibbet shall be inscribed or disposed of according to any direction contained in the warrant, and if there be no such directions, it shall be removed.

Brahmins and females are in certain cases exempted from the punishment of death.

Fifth. Death shall not be inflicted on Brahmins, or females, in districts where the religious feelings of the native community would be shocked thereby, unless in cases of such deep atrocity as may be expected to counteract the effect of those feelings.

See Act XIV. 1844.

Transportation adjudged only for life: how enforced.

V. *First.* Transportation shall always be for life, and the criminal so sentenced shall be sent beyond sea under the instructions of Government, having been in the first instance delivered to the custody of the senior magistrate of police in the island of Bombay, or other officer, as Government may direct.

Penalty of return without a pardon.

Second. A criminal returning from transportation without pardon shall be tried for the same before a *Court of Circuit*, and on his identity being thus established, shall be re-transported as described in the preceding clause.

Confiscation, how enforced.

VI. *First.* Confiscation of property is the seizure for the use of Government of all property of which the convict may be possessed at the time of sentence.

A maintenance secured to the convict's family.

Second. The authority adjudging confiscation shall at the same time assign to the family of the offender sufficient maintenance out of the property confiscated, or such as it will afford.

Doubts regarding the convict's property, how resolved.

Third. If there be a doubt respecting any particular property belonging to the convict, the officer charged with executing the sentence may either make the seizure in the first instance, leaving the right to be decided by the usual course of law, or he may give a written notice of his intention to the supposed claimant, specifying the property in question, and stating that the seizure will be made at the end of six months from the date of delivery: the note shall also state that, if by the said period the claimant shall not have instituted any legal process to establish his right, he will forfeit the same; and if no such process be so instituted, the forfeiture shall take place accordingly.

and his outstanding demands, how recovered.

Fourth. And the officer charged with the execution of a sentence of confiscation shall be entitled to recover by the usual process of law all debts and rights due to the convict in the same manner as if the said officer were an accredited agent to the convict.

Imprisonment, if solitary, limited to two years; if ordinary, to fourteen years,

but perpetual imprisonment may be substituted for death, and the convict may then be transported.

VII. *First.* Imprisonment may be either solitary or ordinary: in the first case, it shall not be adjudged for a longer period than two years, and shall not be combined with ordinary imprisonment; and, in the latter, it shall not be adjudged for a longer period than fourteen years, except that ordinary imprisonment for life may be substituted as commutation for a sentence of death; in which case it shall be at the discretion of Government to cause the prisoner to be transported, under the rules applicable to transportation. Modified by Act XI. 1840. Modified by Act XIV. 1841.

Solitary imprisonment, how enforced.

Second. Solitary imprisonment shall be enforced by confining the prisoner in a room, where no communication can be had with any one: the room shall be opened only once in each day, in order to clean it and supply the prisoner with food, and shall be kept open no longer than necessary for those purposes, no conversation being allowed with the prisoner at those times: but visits not exceeding one hour each, and at intervals of not less than one month, may be permitted to be made to the prisoner by any of his friends, at the discretion of the *criminal* judge, who will take due precaution that the convict's safe custody be not thereby endangered.

Ordinary imprisonment may, if the warrant so direct, include hard labour,

from which, however, Brahmins and females, and certain other persons, are in general exempted.

Third. Ordinary imprisonment shall, if the warrant or sentence so direct, subject the prisoner to be kept to hard labour, such as repairing roads, carrying burdens, and other such toilsome employments, the labour being applied to purposes of public utility; but Brahmins, females, and persons of such order in society that the sentiments of the native community would be shocked by their being so employed, shall not be sentenced to hard labour, unless in cases of such deep atrocity as would obviate that impression. See Act XI. 1840.

Imprisonment, with hard labour, may be enforced anywhere within the Bombay territories.

Fourth. Convicts sentenced to imprisonment with hard labour may be removed to suffer the same at any zillah subordinate to the presidency of Bombay, under the directions of the Sudder Foujdary Adawlut, or at the presidency, under the direction of the Governor in Council through the medium of that court. See Act VII. 1850.

Convicts suffering imprisonment may be placed on conjee diet for a period.

Fifth. A sentence of imprisonment, either solitary or ordinary, without labour, may be accompanied with directions to keep the prisoner on conjee diet for a period not exceeding one month.

Flogging, how inflicted;

One infliction not to exceed 25 stripes, nor one sentence 100 stripes.

Time, place, and intervals of infliction.

VIII. *First.* The punishment of flogging shall be inflicted on the bare back with a rattan, or such other instrument as may be authorized by the Sudder Foujdary Adawlut. No culprit shall suffer more than twenty-five stripes at one time, or shall be sentenced to more than one hundred in one judgment.

Second. The warrant may direct the place where the punishment is to be inflicted, and if it is to be repeated at intervals, they shall be specified in the warrant; and the rules contained in the first clause of Section IV., regarding publicity in executing capital sentences, shall be followed in executing sentences of flogging.

Certain persons ex-

Third. Persons of such description as are directed in the third clause of

the preceding section to be exempted from hard labour shall not be sentenced to flogging.

Exempted from this punishment.

IX. *First.* When a fine is imposed, a period of ordinary imprisonment to be suffered in commutation, if the fine be not realized, shall be specified in the warrant: this period shall never exceed five years, and is always to be considered included in the limitations of imprisonment prescribed as punishment for particular offences, or as bounding the jurisdiction of particular officers.

Fine always commutable into imprisonment, not exceeding five years.

Such imprisonment further limited as explained.

Second. When a fine is partly paid, the imprisonment assigned in commutation shall be proportionally reduced; the calculation for this purpose of periods and payments shall reckon each month at thirty days, and shall descend to one rupee or day, but not lower on either side; and quantities containing fractions shall be changed for their next integral numbers in favour of the convict.

Fines may be partly discharged, and the assigned imprisonment in part suffered.

Third. Nothing contained in this section shall be understood to oppose special enactments regarding fines in particular cases.

Special enactments regarding fines are not affected by these rules.

X. [Public disgrace, how to be inflicted.] *Rescinded by Act II.* 1849.

XI. *First.* Personal restraint shall be carried into effect by confining the culprit under charge of some public officer, either at the culprit's own house, or at the chowrí, or other place of public resort, for a period not exceeding fifteen days.

Personal restraint to be inflicted as described,

Second. Or the culprit may be placed for a period not exceeding fourteen hours under any sort of restraint analogous to those mentioned in the preceding clause, the use of which may previously have been sanctioned by the Sudder Foujdary Adawlut.

or differently, if the Sudder Adawlut's sanction be obtained.

CHAPTER III.

OF OFFENCES AGAINST THE STATE IN ITS DOMESTIC AND FOREIGN RELATIONS, AND THE PUNISHMENTS TO WHICH THEY ARE LIABLE; COMPRISING—

XII. *Treason;*
XIII. *Rebellion;*
XIV. *Unlawful attempt to alter the established laws;*
XV. *Disturbing the peace of foreign states*

XII. *First.* Any person subject to the criminal jurisdiction established by Regulation XI. A.D. 1827, Sections I. and III., who shall raise or employ armed men for the purpose of making war against any of the British Governments in India, or the adjacent countries, or for the purpose of open depredation, or who shall join men so raised or employed, or shall attempt the fidelity of the troops of any of the said Governments, or shall assist its foreign enemies or rebels, or who shall be guilty of any act for the subversion of any of the said Governments, or the forcible dismemberment of its territories, shall be liable to suffer the punishment of treason.

Treason:

Second. The punishment of treason shall be death, and confiscation of property.

Its punishment.

Rebellion: XIII. *First.* Persons exceeding twelve in number assembling for riotous or rebellious purposes, not amounting to treason, shall be liable to the punishment of rebellion. See Reg. VII. 1833.

Its punishment. *Second.* The punishment of rebellion is ordinary imprisonment, for a period not exceeding ten years, or fine, or both combined.

An unlawful attempt to alter the law: XIV. *First.* Any person who shall address threats to the established Government, or threats or promises to any of its agents, or of the authorities under it, for the purpose of procuring alteration in the law, or rendering it nugatory, or shall institute or join any conspiracy ratified by any sort of bond, oath, or agreement between individuals, to execute the said measures, shall be deemed guilty of an unlawful attempt to alter the established laws. See Reg. XVII. 1828.

its punishment. *Second.* And the said unlawful attempt shall be liable to punishment by fine, or ordinary imprisonment, not exceeding a period of ten years, or both combined.

Disturbance of the peace of foreign states: XV. Any person subject to the criminal jurisdiction established by Regulation XI. A.D. 1827, who shall, while residing within any zillah situated in the said jurisdiction, or within six months after quitting such jurisdiction, disturb the peace of a foreign state not at war with the British Government, or wilfully aid such offence by the grant or loan of money or arms, shall be liable to punishment by fine or ordinary imprisonment, not exceeding ten years, or both combined. See Act I. 1849.

its punishment.

CHAPTER IV.

OF OFFENCES AGAINST MORALITY OR THE COMMUNITY AT LARGE, AND THE PUNISHMENTS TO WHICH THEY ARE LIABLE; COMPRISING—

Perjury;	XVI.
Forgery;	XVII.
Coining;	XVIII.
Issuing base coin;	XIX.
Selling poisons;	XX.
Disguising the appearance of valuable articles;	XXI.
Fraudulent use of weights or measures;	XXII.
Fraudulently describing articles offered for sale;	XXII.
Violation of local police rules;	XXIII.
Escape from custody;	XXIV.
Resistance of legal process.	XXV.

Perjury: XVI. *First.* Any person who shall wilfully make a false statement upon *oath, or* solemn declaration, before any authority empowered by Regulation to administer the same, or who shall break the *oath or* declaration prescribed in the Code of Regulations as a qualification for any public office, shall be subject to the punishment of perjury. See Acts XXI. 1837, and V. 1840.

Its punishment. *Second.* Perjury shall be punishable by fine, imprisonment not exceeding ten years, flogging not exceeding fifty stripes, [*or public disgrace,*] or any of these combined. Rescinded by Act II. 1849.

*Third.** But no person shall be tried for perjury by the individual officer before whom it is alleged to have been committed. Special rule as to the trial of perjury.

XVII. *First.* Any person who shall counterfeit or fabricate any document or written instrument, or any signature, seal, or mark, upon such, or shall alter or efface the same, or any part thereof, with the intent of applying the same to a fraudulent purpose, shall be deemed to have committed forgery. Forgery.

Second. Any person who shall make a fraudulent use of a document or instrument so forged, knowing it to be so, shall be liable to the punishment prescribed for forgery. and the wilful application of forgery to purposes of fraud:

Third. Forgery shall be punishable by fine, imprisonment not exceeding five years, flogging not exceeding fifty stripes, [*or public disgrace,*] or any of these combined. how punished.

Rescinded by Act II. 1849.

XVIII. Any person coining money without authority from Government, or wilfully injuring the legal coin of the country, or furnishing tools knowing that they are to be applied to the said purposes, shall be punishable with fine, ordinary imprisonment not exceeding eight years, or flogging, or any of these combined. Unlawful coining or injuring the legal coin, how punished.

XIX. *First.* Any person who may issue money which he knows to be base and unlawfully coined, shall, if the amount be greater than ten rupees, or if he have previously been convicted of the said offence, be liable to the punishment prescribed for unlawful coining in the preceding section. The issue of unlawful coin, how punished in serious cases,

Second. But if the amount do not exceed ten rupees, and the culprit have not before been convicted of the offence, he shall be punishable by fine, not exceeding three times the amount of the sum issued, or attempted to be issued, commutable to ordinary imprisonment, without labour, for a period of two days for each rupee of fine. and how in more trivial ones.

XX. *First.* Any person who sells by retail the poisonous drugs or deleterious substances described in Clause Third of this section, without having obtained a license from the collector, according to Regulation XXI. A.D. 1827, Section XLIV., and lodged a copy thereof in the magistrate's office, shall be punishable with fine, or ordinary imprisonment, for a period not exceeding one year, or both combined. The unlicensed retail of poisons, how punishable.

Second. And a licensed retailer of the said articles who shall, with regard to such of them as the magistrate shall have specified, fail on the occasion of any sale to ascertain the purpose to which the article is to be applied, and to make an entry in a book (which shall always be kept ready for the magistrate's inspection) of the quantity and date of sale, and the name and abode of the purchaser, shall also be subject to the penalties specified in the preceding clause. Also certain incautious sales under license.

Third. The articles prohibited as above to be retailed without a license are the following; and it is to be understood that a medical practitioner, administering any of them as medicine in the course of his professional practice, does not incur any penalty thereby. Articles placed under license, which however medical practitioners may give as medicines.

* Modified as respects Poonah and Ahmednuggur by Section iv. Reg. XXX. 1827, which modification was afterwards extended to the whole presidency by Section iii. Reg. III. 1830.

Mineral Poisons.	Antimony.	Crocus of	Soofed Soorma.
		Glass of	Soorma.
	Arsenic.	Red	Munsel.
			Tamra Soomul.
		White	Soomulkhar.
			Soofed Soomul.
		Yellow	Hurtal.
			Pewra Soomul.
		Cobalt	Unknown, *perhaps* Kubood.
	Lead.	Burnt	Seesa ka bhusm.
		Red	Sendoor.
		Sugar of	Moordarsing.
			Moordarsing ka zung.
			Moordarsing ka durb.
		White	Soofeda.
		Verdigrease	Zungar.
		Vitriol, blue	Neela tootha.
			Mortootha.
Vegetable Poisons.		Cocculus Indicus	Kak maree kee beenj.
		Napellus Moysis	Bichnak.
		Nux Vomica	Kachla.

Named in the Hindoostanee language.

The fraudulent or suspicious melting or alteration of ornaments or other valuable property, how punished

XXI. Any person who shall have melted, or disguised the appearance of ornaments or articles composed of the precious metals or jewels, under circumstances which furnished cause for suspicion that the said articles had been dishonestly procured, shall be punishable with fine, ordinary imprisonment not exceeding three years, flogging not exceeding fifty stripes, [*or public disgrace,*] or any of these combined.

Fraud, by retail dealers in respect to weights and measures, how punished.

XXII. Any person professing to deal in retail who may use false weights or measures, or use correct ones in a fraudulent manner, or offer articles for sale under a false description of their nature, shall be punishable with fine, ordinary imprisonment not exceeding one year, flogging not exceeding thirty stripes, [*disgrace,*] or any of these combined.

Breach of local rules, how punished

XXIII. Any person wilfully violating any rules established or sanctioned by the magistrate in conformity to the provisions of Regulation XII. A.D. 1827, Section XIX., shall be punishable with fine not exceeding his computed average monthly income, ordinary imprisonment without hard labour not exceeding one month, flogging not exceeding twenty-five stripes, or personal restraint, or any of these combined.

Rescinded by Sec. i. Reg. V. 1831, q. v.

Escape of a convict from custody.

XXIV. Any person who shall effect a [*forcible*] escape from custody, after sentence has been passed on him, shall be liable to be tried for the same before a *Court of Circuit*, and to suffer punishment of the same nature as that to which the act for which he had originally been sentenced is liable, except death, transportation and confiscation; and no sentence of imprisonment for a longer period than four years, or of flogging to a greater extent than forty stripes, shall be awarded.

how punished.

Resistance to legal process:

its punishment.

XXV. Resistance to any process issued by a Civil or Criminal Court, or to any officer of such court in the performance of an act within his official province, if perpetrated by force or by a threat of force of a nature apparently within the offender's power to execute, shall be punishable with fine, imprisonment not exceeding four years, flogging not exceeding fifty stripes, personal restraint, or any of these combined.

CHAPTER V.

OF OFFENCES AGAINST THE PERSON, AND THE PUNISHMENTS TO WHICH THEY ARE LIABLE; COMPRISING,—

XXVI.	*Murder;*
XXVII.	*Culpable homicide;*
XXVIII.	*Procuring abortion;*
XXIX.	*Rape and other assaults;*
XXIX.	*Insult and threatening;*
XXX. to XXXII.	*Illegal import, export, and transfer of slaves;*
XXXIII.	*Kidnapping, detention, and forced service;*
XXXIV. and XXXV.	*Denunciations, by means of Traga, Dhurna, Jhansa, &c.*

Murder defined.

XXVI. *First.* Any person who shall purposely, and without justifiable or extenuating cause, deprive a human being of life, or who shall commit or assist in any unlawful act, the perpetration of which is accompanied with the death of a human being, shall be liable to the punishment of murder; provided always, that death takes place within six months after the act was committed.

The belief that the deceased was a sorcerer, no justification: *Provision regarding self-immolation prescribed by the religion of the sufferer.*

Rescinded by Secs. i. and ii. Reg. XVI. 1830.

Second. The belief that sorcery was practised by the deceased shall not be admitted as a justifiable cause for putting him or her to death, nor shall the deceased's own request be so admitted; [*but assisting at any rites of self-immolation, as directed by the religious law of the person performing such immolation, shall not subject any one to the penalty of murder*].

Certain causes may justify the taking away life.

Third. Deprivation of life may be considered justifiable as a means of resistance (provided it be the only evident and efficient one) to violence offered to the person or property of any one, or as the only evident and efficient means of securing a person who has committed robbery or murder, or any other atrocious offence.

See Act XIV. 1844.

Punishment of murder.

Fourth. The punishment of murder shall be death, transportation, imprisonment for life, or solitary imprisonment with flogging.

Culpable homicide.

XXVII. Any person who shall, by committing or assisting in any unlawful act, occasion the death of a human being, provided, as before, that death ensue within six months after the act was committed, under

circumstances which the court, in judging of the act, intention, and cause, considers, though not justifiable under the preceding section, yet sufficiently extenuating to divest the act of so much criminality as would constitute murder, shall be deemed guilty of culpable homicide, and shall be punishable with fine, or imprisonment not exceeding ten years, or both combined.

how punished.

The causing abortion, how punished.

XXVIII. A woman removing her own pregnancy by procuring abortion shall be punishable with fine, or imprisonment not exceeding ten years, or both combined.

Rape, and serious assaults,

how punished.

XXIX. *First.* The crime of rape, as also an assault committed on the person of any one in such way as to maim or destroy the action of a limb temporarily or permanently, or injure the health, or to occasion what the court may consider a great degree of bodily suffering to the person assaulted, or to cause a severe shock to the mental feelings of the sufferer, shall be punishable with fine, imprisonment, or flogging, or any of these combined.

Trivial assaults, including abuse,

how punished.

Second. And assaults of a trivial nature, as well as abusive, calumnious, or threatening expressions addressed to a person in his presence, and of a nature tending to provoke a breach of the peace, shall be punishable with fine, ordinary imprisonment not exceeding six months, or personal restraint, or any of these combined.

All unlawful acts producing bodily suffering to be deemed assaults, and punished accordingly.

Third. Any unlawful mode of wilfully producing bodily injury or suffering, though not actually an assault (as, for instance, administering unwholesome food), shall be punishable, according to the consequences produced, in the same way and to the same extent as an assault.

Import of slaves for sale,

how punishable.

Children imported as slaves, except in a famine, to be set free.

XXX. *First.* Any person who shall import into any zillah subordinate to Bombay a slave for sale (and sale within one year after importation shall be deemed conclusive proof that such was the object of the importation), shall be punishable, if the slave be of ten years of age or upwards, with fine, or ordinary imprisonment not exceeding one year, or both; and if the slave be under ten years of age, with fine or ordinary imprisonment, or both; and further, the simple importation of a child under ten years of age in a state of slavery, except in time of famine, or immediately after, and, on written permission granted by the magistrate, is hereby declared illegal, and will be visited with the retributive measures described in Section XXXII. See Act V. 1843.

Export of slaves without leave, how punishable.

The slave on returning becomes free.

Second. Any person who shall export a slave from a zillah subordinate to Bombay into foreign territory, without first obtaining a written permission from the magistrate, whose duty it shall be to grant the same only when satisfied that the object is not sale, will be punishable with fine, or ordinary imprisonment not exceeding one year, or both, and the slave on returning to the Bombay territories shall be held to be free.

Sales of slaves are punishable,

if not registered;

XXXI. In addition to the preceding rules, the following sales of slaves within the zillahs subordinate to Bombay are declared to be illegal, and all persons concerned therein, either as buyers or sellers, will be punishable with fine, or ordinary imprisonment, or both. See Act V. 1843.

1. All sales whatever not registered by the magistrate, whose duty it shall be after due investigation to grant or withhold such registration and

a certificate thereof, according as the rights of the parties and the provisions of the Regulations may seem to require.

2. Any sale of a female slave, having a child under ten years of age, by which such a child is separated from her.

If a young child and its mother are separated;

3. Any sale of a child under ten years of age, though already in a state of slavery, except in time of famine.

If the slave be not ten years old, unless in a famine;

4. Any sale of a child into slavery, except in time of famine and by one of the parents, in which case a right of redemption at the price of sale shall be reserved to either parent and the child, for the period of ten years.

If the sale be of a child into slavery, except by his parent in famine, a right of redemption remaining;

5. Any sale of a female for common prostitution.

If of a female for prostitution.

XXXII. Whenever an importation or sale of a slave has been pronounced to have been illegally made, the slave becomes thereby emancipated, and if Government shall so determine on a report to be made by the zillah magistrate, if the case shall have been decided by him, and by the *criminal* judge in all other instances, a fine commutable into imprisonment according to their jurisdictions shall be imposed on the offender by those authorities respectively, and shall be expended when realized in re-exporting the emancipated slave to his own country.

Slaves illegally imported or sold are set free, and may be sent to their homes at the offender's expense.

XXXIII. *First.* The detention of any person in unlawful confinement by force or threats, from their nature and extent reasonably to be deemed sufficient to deter the person threatened from attempting to escape, and apparently in the power of the offender to put in execution, shall be punishable with fine, or imprisonment not exceeding five years, or with both.

Unlawful confinement,

how punished.

Second. Stealing or forcing a child or idiot from its parents or guardians, or using force or threats, as defined in the preceding clause, to deter them from attempting to recover it, shall be punishable with fine, or imprisonment not exceeding ten years, or with both.

The stealing of a child or idiot, how punished.

Third. The penalties attached to the pressing of coolees or bogarees, the definition of that offence, and the measures which the magistrate is directed to pursue in order to bring to justice any person committing it, are recited in Regulation XII. A.D. 1827, Section XVII.

Reference to the law against the pressing of coolees.

XXXIV. Any person who, in seeking compliance with a demand, execution of an engagement, or redress or revenge for an injury, any of the same being either real or imaginary, shall pursue measures which, though immediately injurious to himself or to his own connections only, are yet in the imaginations of the populace supposed to produce evil to the party towards whom they are directed (as in Traga or Dhurna), shall be punishable with fine, or imprisonment not exceeding one year, or both combined.

Intimidation, when effected by threats of self-inflicted violence,

how punished.

XXXV. Any person who shall pursue the objects recited in the preceding section, by conveying threats of committing violence or injury of any nature in a manner different from that described in the preceding section (as by Jhansa), shall be punishable with fine, imprisonment not exceeding five years, or flogging, or any of these combined.

When effected by threats of other violence,

how punished.

CHAPTER VI.

OF OFFENCES AGAINST PROPERTY AND THE PUNISHMENTS TO WHICH THEY ARE LIABLE; COMPRISING—

Gang robbery; XXXVI. to XXXVIII.
Robbery;
Theft; XXXIX.
Breach of trust; XL.
Receiving stolen goods; XLI.
Destroying property. XLII.

Robbery, when to be considered gang robbery.

XXXVI. *First.* Robbery is forcibly or secretly taking away property so as to deprive the owner thereof, and if committed by a number of persons greater than four, it shall be considered gang robbery.

Any person present, and countenancing robbery, is guilty of robbery.

Second. Any person acting in conjunction with another in robbery, by being present, or so near as to be able to aid its perpetration by giving notice of the approach of strangers, or otherwise, and countenancing it, shall, although not actively engaged, be deemed guilty of robbery.

Robbery, when deemed to be committed by night, and when by day,

and when to have been accompanied with force.

Third. Robbery committed after sunset and before the ensuing sunrise shall be considered as committed by night, and if after sunrise and before the ensuing sunset, then by day; and if in the perpetration any personal violence or restraint have been used towards any one, or any dangerous weapon produced, so as to cause reasonable fear, or if entrance into the place where the robbery was committed have been effected by breaking any fastening or enclosure, the robbery shall be considered to have been accompanied with force.

Gang robbery, with force, how punished.

XXXVII. *First.* Gang robbery committed by day or night, when accompanied with force, shall be punishable in any of the modes specified in Section III. except confiscation, the punishments of imprisonment, fine, and flogging, being assignable singly or combined, at the discretion of the court.

Modified by Act XXIV. 1843.

Without force, how punished, if committed by night, and if by day.

Second. Gang robbery without force, if committed by night, shall be liable to the punishments of imprisonment, fine, and flogging, singly or combined; and if committed by day, it shall be punishable in the same manner, except that the period of imprisonment shall not exceed ten years.

Robbery with force is punishable as gang robbery:

Third. Robbery committed by day or night, when accompanied with force, shall be punishable in the same way as prescribed for gang robbery so committed in the first clause of this section.

without force, how punished, if committed by night, and if by day.

Fourth. Robbery without force, if committed by night, shall be punishable with fine, imprisonment not exceeding ten years, or flogging, or any of these combined; and if by day, it shall be punishable in the same manner, except that the period of imprisonment shall not exceed seven years.

Attempts, how proved.

XXXVIII. An attempt to commit robbery or gang robbery, punishable as prescribed by Section I. Clause Second, is committed by some one of the circumstances specified as a definition of force in the third clause of Section XXXVI. having taken place, or by the culprit having made

use of words or actions evidently and immediately indicating an intention to resort to some of them, or by his joining a gang of robbers, or by his having actually taken hold of or removed the article attempted to be stolen.

Petty thefts, how punishable.

XXXIX. Robberies which, from the smallness of the amount stolen, the want of care used in securing the property, the absence of cause for personal fear, or other such reasons, may be considered trivial in their nature and consequences, shall be punishable as thefts, with fine, ordinary imprisonment not exceeding six months, flogging not exceeding twenty-five stripes, [*public disgrace,*] or personal restraint, or any of these combined.

Appropriation of property by breach of trust, how punished.

See Act XIII. 1860.

XL. Any person fraudulently removing or keeping from its owner property so intrusted to his charge or disposal, as to enable him to do the same without employing either the force or secrecy which would constitute robbery according to the first clause of Section XXXVI. shall be punishable with fine, or ordinary imprisonment not exceeding seven years, flogging, [*or public disgrace,*] or any of these combined.

Receivers, how punished.

XLI. *First.* Any person receiving property, knowing or having evident ground for suspecting such property to be stolen, or fraudulently withheld from its owner, without immediately giving information thereof to some public officer, shall be punishable with fine, ordinary imprisonment not exceeding five years, flogging, [*or public disgrace,*] or any of these combined.

Declaration of the right of the lawful owner.

See Act XVI. 1850.

Second. No person shall be deemed to have a right to property stolen or fraudulently withheld in supersession of the right of the owner or his legal representative; but this shall not operate to prevent the receiver from recovering an indemnification from the person from whom he received the property.

Wilful destruction of certain property by fire or otherwise, how punished.

XLII. *First.* Any person who shall wilfully and wrongfully set fire to or otherwise damage or destroy any part of a dwelling-house or building appertaining thereto, or property contained in a dwelling-house, or building, or enclosure appertaining thereto, or crops standing or reaped in the field, shall be liable to any of the punishments specified in Section III. of this Regulation, and if the punishment awarded consist of fine, imprisonment, or flogging, they may be combined.

Of other property generally, how punished.

Second. Any person forcibly or secretly destroying or injuring the property of another, shall be punishable with fine, ordinary imprisonment not exceeding five years, or flogging not exceeding fifty stripes, or any of these combined.

Trivial injuries or mischiefs done to public property, how punished; exception as to the permitted appropriation of grass, wood, &c.

Third. Wilfully injuring any public edifice, well, or machine, or any public fence, landmark, watercourse, or road, or generally any work or object of public utility, shall be punishable with fine, ordinary imprisonment not exceeding six months, or flogging not exceeding twenty-five stripes, or any of these combined; but this clause is not to be considered applicable to the use of pasture, fuel, or other productions in an authorized way, and by persons authorized so to benefit by them.

(BRANCH OF CRIMINAL JUDICATURE.)

Reg. XV. 1827.

A.D. 1827. REGULATION XV.*

CONSISTING OF TWO (2) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of the Appointment of Landholders to the Police Jurisdiction within their Lands, or other convenient Limits, and of the Extent and Nature of the Authority conferred upon them, and Mode in which it may be withdrawn	I.
II.	Of the Mode of Procedure to be followed in Criminal Matters in regard to Landholders invested with Police Authority under this Regulation	XIV.
	SUPPLEMENT. Regulation IX. 1831.	

A REGULATION *containing Rules under which Landholders may be invested with Police Authority within their respective Lands, or other convenient Limits, and deprived of the same; and declaring the Mode of Procedure to be followed in regard to them in criminal matters:* PASSED *by the Governor in Council, on the* 1*st January*, 1827.

Preamble.

WHEREAS it is in some cases expedient, with the view of securing the exertions of individuals of rank and influence in aid of the police and of public justice, that landholders should be intrusted with the charge of the police within their respective lands, or other convenient limits; and whereas it is further desirable, while conforming to the ideas of the people at large with regard to the claims of birth and station, to gratify the feelings of such landholders by establishing, in respect to them and the individuals of their families, a mode of procedure in criminal cases less imperative than that which is applicable to the community at large; —the following Rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose. See Reg. XXVIII. 1827.

CHAPTER I.

OF THE APPOINTMENT OF LANDHOLDERS TO THE POLICE JURISDICTION WITHIN THEIR LANDS, OR OTHER CONVENIENT LIMITS, AND OF THE EXTENT AND NATURE OF THE AUTHORITY CONFERRED UPON THEM, AND MODE IN WHICH IT MAY BE WITHDRAWN.

Landholders vested with police authority when deemed expedient.

I. In districts where such a measure may appear to him expedient, it shall be lawful for the Governor in Council to cause landholders to be placed in charge of the police within their respective lands, or other convenient limits, under the provisions of this Regulation.

Landholders so vested to have a sunnud specifying their duties and powers.

II. *First.* When a landholder is placed in charge of the police by virtue of the preceding section, a sunnud shall be issued to his address

* By Act XV. 1840, this Regulation was extended to the agents of foreign sovereigns, guardians, and others, at the discretion of the Governor in Council.

specifying the territorial bounds of his jurisdiction, reciting generally the duties which the landholder is bound to perform, and containing as precise a specification as possible of the offences which he is empowered to try, as also the extent of punishment which he is authorized to adjudge: the jurisdiction of the landholder may extend to the trial of petty thefts, assaults and affrays, abuse calculated to produce a breach of the peace, and contempt of the authority of the head of a village; and to infliction, singly or combined, of ordinary imprisonment without labour for two months, fine amounting to thirty (30) rupees, commutable into imprisonment included in the above-mentioned term, [*public disgrace*,] and personal restraint; or the said jurisdiction may be limited to the trial of trivial assaults and affrays, abuse, and contempt of the village head's authority, and to the infliction of the following punishments, singly or combined: personal restraint for a period not exceeding eight (8) days; fine not exceeding five (5) rupees, commutable into personal restraint, within the said period; and confinement in the stocks for a period not exceeding twelve (12) hours, continuous, or at intervals.

which are of two ranges.

Rescinded by Act II. 1849.

Second. The sunnud shall be in the form contained in Appendix (A), but in the language of the zillah; and when the more extended range of authority is conferred, shall be issued in the name of the Governor in Council, the zillah magistrate retaining a copy; and in other cases by the zillah magistrate, under the sanction of Government previously obtained.

Sunnuds for the higher range issued by Government,

others by the zillah magistrate,

Third. The zillah magistrate shall, on transmitting the sunnud to the landholder, furnish him at the same time with a copy of this Regulation, and of any other parts of the code, with which, in the exercise of his police authority, it is important to him to be acquainted.

who is also to furnish the landholder with copies of Regulations.

III. The landholder shall employ on the duties of police the whole of his retainers and dependants of every description, or such portion thereof as he may deem expedient, together with the village establishments of the several villages over which his police jurisdiction extends; and on occasions of necessity, such as the apprehension of public offenders, or the defence of the country against marauders or an enemy, shall have authority to call for the services of the inhabitants at large of the district under his control; and any person withholding such assistance, shall, on proof of such fact, and of the urgency of the occasion, to the satisfaction of the zillah magistrate, be punishable by fine not exceeding six (6) rupees, commutable to ordinary imprisonment, without hard labour, for a term not exceeding eighteen (18) days.

The landholder to employ his retainers on police duties,

and authorized to call for assistance from all persons,

who are punishable for non-compliance.

IV. The nomination and dismission of the police servants immediately under him shall be in the hands of the landholder; but no individual shall, without the zillah magistrate's consent, be nominated by the landholder to any situation in the police, who may have been dismissed from his situation by the zillah magistrate or his assistant, or any higher tribunal.

The landholder nominates his police servants, with the magistrate's consent, in certain cases.

V. It is to be clearly understood, that the zillah magistrate has authority, if he should deem it expedient, to empower all individuals on the several police establishments under his orders to act within the limits of the landholder's jurisdiction in the same manner as beyond them, but such

Mode in which police officers of other parts of the zillah act within the landholder's local jurisdiction.

individuals shall be subject generally to the authority of the landholder, so far as is consistent with the execution of the zillah magistrate's orders.

Village police establishments within the landholder's local jurisdiction act as elsewhere.

VI. The duties of police in the several villages comprised within the landholder's jurisdiction shall be performed by their respective police establishments, the head of each village and other village officers exercising, under the control and superintendence of the landholder and zillah magistrate, the same authority, and performing the same functions respectively, as such officers do in other parts of the zillah; and it shall be the duty of the zillah magistrate to cause the landholder to be informed of the provisions of the general Regulations on these subjects, and to enjoin him to see that they are conformed to within the limits of his jurisdiction.

Magisterial and police duties of the landholder:

VII. *First.* It shall be the duty of the landholder, with the means at his command, to maintain the public peace throughout his jurisdiction, to apprehend public offenders, to try and to punish offences according to the authority conferred on him by his sunnud, to execute the orders of the zillah magistrate, and to keep the district police officers in the neighbourhood and the zillah magistrate well informed of all matters relative to the public peace and tranquillity which it may import them respectively to know.

his power to punish misconduct on the part of his subordinate agents,

Second. The landholder is empowered to punish all neglects of duty in the police authorities and officers under his control, to the extent to which he is authorized to award punishment for criminal offences.

to summon and apprehend witnesses and others, search for stolen property,

Third. The landholder shall have authority to compel the attendance of witnesses and others in obedience to his summons, to make search for stolen property, under the restriction that dwelling-houses shall not, without urgent necessity, be searched from sunset to sunrise, and to punish contempts of his authority, or disrespect, by an adequate measure of personal restraint, within the limits of the powers conferred on him.

punish contempts.

and, when requisite, take security;

Fourth. He shall also have authority to take *the* security of persons whom he may consider objects of suspicion; but no person shall, from failure to furnish security, be subjected by the landholder to a longer period of restraint than the landholder is authorized to adjudge as punishment; but if security be not furnished at the expiration of that period, the prisoner shall be forwarded to the zillah magistrate, by whom such order shall be passed, in conformity with the Regulations, as the case may require. Sic orig.

the prisoner, after an interval, being sent to the zillah magistrate.

The landholder's penal cognizance ends in three months.

VIII. No offence whatever shall be punished by the landholder which shall have been committed three months before the complaint was made.

General rules of the landholder's procedure.

IX. The examination and trial of persons charged with offences shall be conducted by the landholder in conformity to the leading rules in the general Regulations: neither terror nor violence shall be employed to produce a confession on the part of the accused; written evidence shall be read in his presence; oral evidence shall be in like manner delivered by the deponent, whom he shall be allowed to cross-examine; and such witnesses also as he may name on his defence shall be made to attend on his trial; and all written and oral evidence on his part shall be received and

recorded in the same way as the evidence on the part of the prosecution.

His record.

X. The landholder shall, in all cases of punishment awarded by him, keep a record, which shall specify the name of the offender, the offence of which he was convicted, and the punishment: and whenever the punishment shall exceed a fine of three (3) rupees, or ordinary confinement for five (5) days, or confinement in the stocks for six (6) hours, the whole of the proceedings shall further be recorded, and the records in both cases, or extracts therefrom, as may be required, together with all papers having connexion with the subject, shall be open at all times to the inspection of the zillah magistrate.

XI. [Revision of sentences by magistrates.] *Rescinded by Sec. I. Reg. IX.* 1831.

Serious offenders to be sent to the magistrate

XII. *First.* If a person charged with having committed an offence of a more serious nature than the landholder is authorized to try be apprehended within his jurisdiction, the landholder shall, after taking his examination, and the depositions of such witnesses as have attended, forward the prisoner and witnesses, and the papers of the case, to the zillah magistrate.

within 60 hours, or with explanation of any further delay.

Second. No prisoner apprehended for transmission to the zillah magistrate shall be detained by the landholder for a longer period than sixty (60) hours, without urgent necessity; and in that case a statement of the delay, and of the cause of it, shall be forwarded at the end of the specified period of sixty (60) hours, to the zillah magistrate.

Government may, if it be found requisite, deprive a landholder of his police jurisdiction,

XIII. *First.* The Governor in Council may, after receiving a report from the zillah magistrate or other higher authority in the department of criminal justice, direct that a landholder be deprived of his police authority, and that the lands over which it extended be placed under the ordinary administration of police.

which will then be annulled by proclamation by the zillah magistrate.

Second. The zillah magistrate, on receiving the orders of Government to divest the landholder of his police charge, shall cause a proclamation to that effect to be published throughout the districts concerned, and the authority of the landholder, as head of the police within such districts, shall cease from the date of such proclamation.

CHAPTER II.

OF THE MODE OF PROCEDURE TO BE FOLLOWED IN CRIMINAL MATTERS IN REGARD TO LANDHOLDERS INVESTED WITH POLICE AUTHORITY UNDER THIS REGULATION.

Exception of special cases duly notified from the operation of the succeeding rules.

XIV. The Governor in Council, with the view of rendering certain landholders amenable, as far as practicable, for offences to his immediate authority alone, reserves to himself the power of announcing, by communication to the requisite public officers, and to the landholders concerned, and also by proclamation, the particular jurisdiction and procedure to which they will be subjected in criminal matters; but if such special directions be not issued, the succeeding provisions of this Regulation shall constitute the law upon that subject.

The magistrate to hear and investigate charges against the landholder, but with reservation if it regards his police duties.

XV. *First.* The zillah magistrate shall receive and hear all complaints against the landholder; provided, however, that it shall not be incumbent upon the zillah magistrate to investigate the subject of any complaint against a landholder in his character as head of the police, which shall not bear upon the face of it appearance of probability that injustice has been done to such an extent as to call for his notice and intervention.

Power of the magistrate as to punishing the landholder.

Second. The zillah magistrate's power in regard to punishing offences committed by the landholder shall extend to ordinary imprisonment for a period not exceeding one year, and fine according to the Regulations: offences committed by the landholder, which cannot be adequately punished under the preceding rule, shall be tried by the *Court of Circuit, or a Special Court*, as the nature of the case may require, the zillah magistrate committing the landholder for trial under the rules contained in Regulation XII. A.D. 1827, Section XIII. Clause Third.

See Sec. iv. Reg. IV. 1830.

On complaint made against the landholder, the zillah magistrate to require him by letter to attend,

XVI. *First.* When a complaint has been entertained against a landholder, the zillah magistrate shall address a sealed communication to him, giving notice of the accusation, and calling upon him to attend with such proof as he may have to produce at his office on a specified day to answer to the charge.

or leave his attendance optional;

Second. Or he may, at his discretion, specify it to be at the option of the landholder to attend at the investigation in person, or by vakeel.

though, if necessary, he may cause him to be apprehended.

Third. Provided always, that if the zillah magistrate should deem it probable that the landholder will abscond, he shall in such case cause him to be apprehended by warrant, and held to bail, or confined under the general Regulations.

The order in the case to be communicated to the landholder if he were not present.

XVII. If the landholder shall not have been present at the investigation, a copy of the order passed upon the case shall be delivered to any person who may have attended for him, and if no person shall have attended, shall be forwarded under a cover to the landholder.

The trial of a landholder by the *Court of Circuit* and *Special Court* may be conducted privately if he wishes it, and forms of courtesy will be observed.

XVIII. The trial of a landholder by the *Court of Circuit*, or by a *Special Court*, shall be subject in all respects to the rules contained in the general Regulations, except that it may, if the court shall see fit, be conducted privately; provided always, that no one be excluded whom the landholder should wish to be present: any form of courtesy and consideration due to the rank of the accused shall also be observed.

Breaches of duty by landholders, how punishable.

XIX. Abuse of power, denial of justice, or other similar offences, on the part of the landholder, proceeding from an unfaithful discharge of his official duties, shall be punishable criminally with fine and imprisonment, not exceeding five (5) years.

Certain relatives of landholders are open to their privileges.

XX. The rules contained in Section XV. Clause Second, and in Sections XVI. XVII. and XVIII., shall be applicable to the landholder's relatives residing with him, and under his protection.

APPENDIX (A).

Form of sunnud vesting a landholder with police jurisdiction under the provisions of Regulation XV. A.D. 1827. Appendix (A).

Seal.

The Governor in Council (or zillah magistrate of ———), reposing confidence in the integrity, discretion, zeal, and good faith of (here enter the landholder's name and title), hereby places him, under the provisions of Regulation XV. A.D. 1827, in charge of the police in (here specify the tract of country concerned), within the zillah of ———, with powers to try offences such as (here enter as minute an enumeration of the offences punishable by the landholder as can conveniently be made), and to adjudge punishments not exceeding (here specify the limitation of punishment). It is the duty of the said ——— to superintend the correct discharge of their duties by the officers of village police in the several villages comprised within the limits of his police charge, and by means of the police officers and servants under his control to maintain the public peace, to apprehend all public offenders, to execute the orders of the zillah magistrate, and to keep him and the police officers stationed in the vicinity of his jurisdiction well informed of the appearance of plunderers or other public offenders within or near his jurisdiction, of threatened inroads or attacks, and of all matters whatever, which it may import them in the discharge of their public duties to know, and to maintain, and to cause all police officers under his control to maintain, a strict observance of the provisions of Regulation XV. A.D. 1827, and of all other rules and orders to which he may be specially directed to conform by the zillah magistrate.

(Signed) A. B.
Secretary to Government in the judicial department, or zillah magistrate.

Bombay Castle,
or zillah magistrate's office, 18—.

(REVENUE BRANCH.)

A.D. 1827. REGULATION XVI. Reg. XVI. 1827.

CONSISTING OF THREE (3) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of the Appointment and Duties of the Collector and his Assistants	I.
II.	Of Native Collectors of Districts, and other Native Officers on the regular Establishment of the Collector	IX.
III.	Of Hereditary District and Village Officers, inclusive of Village Accountants	XVII.

SUPPLEMENTS.

I. Regulation IV. 1831. [Repealed by Act XXV. 1839.]
II. ——— XIII. 1831. [Repealed by Sec. ii. Act I. 1838.]
III. ——— XV. 1831.
IV. ——— V. 1833.

A REGULATION, *defining the Duties of the Collector, and his Powers in regard to subordinate Revenue Officers, and providing Rules for the guidance of Land Revenue Officers in general, throughout the Territories subordinate to Bombay:* PASSED *by the Governor in Council, on the 1st of January,* 1827.

WHEREAS it is essential to a correct knowledge and observance of the principles of revenue administration, that the duties of collector should Preamble

be fully defined; that the appointment, suspension, and dismissal of all native servants and European clerks on his establishment should be vested, under certain restrictions, in the collector; that the prohibitory enactments of the law in regard to revenue officers, and the penalties attendant on the breach of them, should be distinctly recorded; and that provision should be made for the efficient discharge of the duties attached to the situations of hereditary district and village officers and servants;—the following rules have been enacted, to have effect throughout the zillahs subordinate to Bombay from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

OF THE APPOINTMENT AND DUTIES OF THE COLLECTOR AND HIS ASSISTANTS.

Appointment of the collector.

I. There shall be a collector appointed to each zillah, or such other division of territory as the Governor in Council may determine, and he shall act according to the instructions of Government in all matters not specifically provided for in a Regulation.

See Sec. ii. Reg. V. 1830.

His duty to collect the revenue, punish over exactions,

II. *First.* It shall be the duty of the collector to assess and collect the several descriptions of public revenue intrusted to his management (when there is no specific enactment for his guidance) according to the established usage; but revenue demands, of whatever kind, shall be enforced, and all undue exactions shall be punishable, according to the rules contained in Regulation XVII. A.D. 1827, Chapters III. and IV.

and try certain suits and land revenue exemptions;

Second. The collector shall further decide certain civil suits, and try claims to exemption from the payment of land revenue, as more particularly specified in Regulation XVII. A.D. 1827, Chapters VIII. and X.

his oath,

III. *First.* Previous to entering on the duties of his office, the collector shall take the oath prescribed by 33 George III. cap. 52, sec. 61, as contained in Appendix (A) to this Regulation.

See Act XXI. 1837.

where to be taken;

Second. The oath shall be taken either before his Majesty's Supreme Court of Judicature for Bombay, the Court of Sudder Adawlut, any *judge on circuit* in the zillah to which the collector may be appointed, the judge of that zillah, or such other person as may be deputed or authorized to administer it by an order of the Governor in Council.

a copy to be recorded in the zillah court, and another to be sent to Government.

Third. One copy of such oath shall be recorded in the Civil Court of the Zillah to which the collector is appointed, and another shall be transmitted to the Governor in Council for his information.

His seal,

IV. *First.* Each collector shall use a circular seal, one inch and three-quarters in diameter, bearing the following inscription in English, and in the language and character most generally used in the collectorship, viz.—"The collector of ——."

where to remain.

Second. The seal shall remain in the custody of the collector.

Appointment of assistants.

V. Each collector shall have so many assistants as the Governor in

Council may deem it expedient to appoint; they shall be called "First," "Second," &c. as may be expressed in the order of appointment; they shall, previously to executing the functions of their office, take before the collector, or before any of the authorities enumerated in Section III. Clause Second, the oath specified in Clause First of that section; they shall perform such duties as the collector may assign to them, and shall use his seal.

See Act XXI. 1837.

Their oaths and duties.

See Act XVIII. 1850.

VI.* *First.* All collectors of the revenue, their assistants, and native officers, shall, with respect to acts done by them in their official capacities, be subject to the jurisdiction of the Zillah Civil Court.

Collectors and other revenue officers, how amenable to the zillah court,

Second. And the Governor in Council, when acts unauthorized by the Regulations appear to have been done wilfully, or from gross ignorance or neglect, may, in passing the collector's accounts, check the costs and damages incurred in any suit on account of such acts.

and when liable to pay costs and damages.

VII. *First.* No collector or assistant collector shall employ any public servants in his private affairs, nor any private servants in his public duties.

Collectors and assistants to confine their public and private servants to their respective duties.

Second. No collector or assistant to a collector shall hold, directly or indirectly, any farm, or be concerned on his private account in the collection or payment of the revenue.

Prohibitions against collectors and assistants holding farms or being privately concerned in the revenue,

Third. No collector or assistant to a collector shall, directly or indirectly, carry on any trade, nor be concerned in any commercial transaction whatever, either as principal or agent; and this rule is declared to include a prohibition to purchase, directly or indirectly, any goods or commodities for the purpose of remitting money to Europe or elsewhere.

and against their being engaged in trade.

Fourth. The Governor in Council after inquiry, either before himself or by a commission to be instituted for the purpose, will suspend or dismiss all officers guilty of any breach of the enactments in this section.

Penalties of disobedience.

VIII. *First.* When a collector resigns or is removed from his office, or when he quits his collectorate or his office on leave, or is obliged to leave it from ill health, or from any other cause, he shall make over his office to his assistant of highest rank on the spot, unless other provision has been made by Government, and such assistant shall, until the arrival of orders from Government or a successor to the collector, perform all the functions of collector.

A collector leaving his office, to transfer it to the highest assistant present;

Second. A collector, on his quitting his station, from any cause whatever, shall report to the Governor in Council the date on which he made over charge of his office to his successor or assistant.

and report to Government.

Third. On the death of a collector, or in the event of his being by any other cause prevented from making over charge as directed in Clause First of this section, on his ceasing to discharge the functions of his office, the assistant of highest rank actually in the zillah, shall in like manner perform the duties of his collector, till the receipt of the orders of Government or the arrival of a successor to the collector.

On the death of a collector, the highest assistant present to take charge of the office.

* Modified as extended to Poona and Ahmednuggur by Section vi. Regulation XXIX. 1827, and as relates to Dharwar, by Section ii. Regulation VII. 1830.

CHAPTER II.

OF NATIVE COLLECTORS OF DISTRICTS, AND OTHER NATIVE OFFICERS ON THE REGULAR ESTABLISHMENT OF THE COLLECTOR.

Subordinate officers on the Collector's establishment, how appointed, suspended, and dismissed, and punishable by fine for misconduct;

IX. *First.* The appointment, suspension, and dismissal of all native servants and European clerks on the establishment of the collector, are under the general control of Government, vested in the collector, who shall further have authority to punish them for misconduct and neglect of duty, by imposing a forfeiture not exceeding two months' pay, and to levy the same in the mode authorized for realizing revenue demands.

but in certain cases the collector's reasons must be recorded and reported.

Second. Provided, however, that whenever the collector shall dismiss an officer on his establishment, who is in the receipt of a monthly salary amounting to thirty (30) rupees, he shall record his reasons at length in the language of the country, and transmit to Government an English translation of such record.

An officer subjected to a criminal prosecution may be suspended,

Third. When any officer of the collector is subjected to a criminal prosecution, either at the instance of the collector or any other person, the collector may suspend him, pending such prosecution.

and subsequently dismissed,

Fourth. At the close of the prosecution, the collector shall, on consideration of all the circumstances brought to light during the trial, be at liberty to dismiss or suspend the person tried, whether he may have been found guilty or acquitted.

a report being made to Government in certain cases.

Fifth. But if the proceedings relate to an officer in the receipt of a monthly salary amounting to thirty (30) rupees, the collector shall in the case of dismission report the same, with the reasons thereof, to the Governor in Council.

Decision of Government, how regulated.

Sixth. And the Governor in Council shall in all cases of suspension or dismissal by a collector, have the power to confirm, mitigate, or annul such punishment, and, when the dismissal of an officer is confirmed, may further declare him incapable of again serving the Government.

Komavisdars and others to hold no appointment not under the collector or zillah magistrate.

X. No komavisdar, or other native officer on the establishment of a collector, shall hold any appointment, except such as may be on the establishment of the collector or zillah magistrate.

Certain revenue officers and others prohibited from being privately concerned in the revenue.

XI.* *First.* No komavisdar, or other head native revenue officer in any district, and no relative of such officer, shall hold, directly or indirectly, any farm, or be concerned on his private account in the collection of the revenue of any lands within such district. See Act XXI. 1839.

Cash-keeper and others prohibited from using the public money, engaging in trade, and receiving presents.

Second. No cashkeeper, komavisdar, or other native officer, however designated, who may be entrusted with the charge or collection of the public money, shall make use of such money either for his own advantage, or that of any other individual, or carry on trade, or be concerned in any commercial transaction whatever, either as principal or agent, or shall receive a nuzzur or present of any amount or description.

Penalty enforced criminally.

Third. And breach of any of the provisions of the foregoing clauses of this section shall be deemed a criminal offence, and shall be punished

* Extended to all native officers on the collector's establishment by Section iii. Regulation V. 1833.

by fine and imprisonment, provided that the period of imprisonment, both as punishment and as commutation for fine, shall not exceed seven (7) years.

Rescinded by Act XXV. 1839.

Fourth. [*The penal jurisdiction of the collector as magistrate, in the cognizance of the offences specified in the preceding clauses of this section, shall extend to imprisonment for the period of three* (3) *years inclusive of the commutation for fine* :] the absolute jurisdiction of the *criminal* judge shall in the said cases extend in like manner to imprisonment for five (5) years: sentences of imprisonment for a longer period passed by the *criminal* judge, whose jurisdiction under *Regulation XIII. A.D.* 1827, *Section XIII., extends to seven* (7) *years*, shall be referred with the cases to the Sudder Foujdary Adawlut, according to the rules contained in Clause Second of the said section.

Extension in these cases of the jurisdiction *of the magistrate and* of that of the *criminal* judge without reference.

See Sec. iii. Reg. III. 1830.

Fifth. Nothing contained in the preceding clauses shall be held to bar the person of whom a present has been received, in violation of the provisions of Clause Second of this section, from recovering the amount by suit in the Civil Court.

A civil suit may also be instituted.

See Act XVIII. 1838.

XII. *First.* The collector may, if he should deem it expedient, take security for the personal appearance of all native officers on his establishment entrusted with the receipt, payment, or custody of public money, or the charge of public papers or accounts.

The collector may take the security of certain officers.

Second. The security-bond shall be in the form contained in Appendix (B).

Form of the security.

Third. The collector may require a new surety from any public officer employed by him, if he considers that those previously accepted, whether by himself or his predecessors, are insufficient: and, in case of the said officer failing to give such security one month after it is required, the collector may suspend or dismiss him.

New security when eligible, and consequence of failure to furnish it.

XIII. *First.* In case the surety shall not when called upon produce the officer for whom he has become security, he shall be answerable for all demands that the collector may have against the officer, for public money, papers, or accounts; and be liable to be proceeded against, until the officer is produced or apprehended, in the same manner as the officer himself, had he been forthcoming.

A surety not producing the principal may be proceeded against in the same way as the principal,

Second. As soon as the officer is produced or apprehended, the surety shall be set at liberty, but he shall not be entitled to recover back from the collector any sums of money which may have previously been levied from, or paid by him.

but must be liberated when the officer is produced, though money levied will not be returned.

See Act XIII. 1830.

XIV. *First.** The collector, in all cases in which he may have a claim on any native officer upon his establishment, for public money or papers, shall, by writing under his official seal and signature, require the money or the particular papers detained, to be delivered either immediately to the person bearing the said writing, or to such person, on such date, and at such place as the writing may specify.

Demands for money or papers to be made known by writing by the collector to the officer concerned,

Second. If the officer shall not discharge the money or deliver up the papers as directed, the collector may cause him to be apprehended, and

who may be arrested, if he does not deliver them, and confined in gaol:

* Extended, so far as relates to the recovery of public money, to all village or district officers, by Section ii. Regulation V. 1833.

may send him to the judge to be confined in the zillah gaol, till he discharges the sum or delivers up the papers demanded from him.

his property also may be attached, and his moveable property sold, but not his immoveable property, without orders from Government;

Third. The collector may also attach and sell his property, whether moveable or immoveable, and whether in his own or other zillahs, in the same way, and under the same rules, as are prescribed for attachment and sale of the moveable property of defaulters for revenue demands; provided that no immoveable property shall be sold without the sanction of Government.

and the collector shall not in any event be liable in damages.

Fourth. And if a native officer should not have been found, or should have failed to attend when called on, and it should thereafter appear in any action before a competent court, that a part only, or that no part whatever of the sum demanded, was due from the officer so absconding, or that he was not in possession of the papers required from him, the collector shall not be liable to any damages for having confined him or his surety, or to any costs of suit.

An officer or surety in gaol may, by furnishing certain security, obtain his enlargement;

XV. *First.* If an officer or his surety, against whom a demand is made, shall give, before the collector or judge, sufficient security that he will either institute a suit in court in fifteen (15) days against the collector to try the demand, and will pay the sum decreed against him, together with the costs and interest so decreed, or that, in case of his failing so to institute such suit, he will when required pay the amount demanded, the collector or judge shall cause such officer or surety, if in custody, to be liberated, and countermand the sale of any property that may have been attached, and restore it to the owner.

and shall be entitled to have any petition duly transmitted to Government.

Second. And any such officer or surety, if in custody, may transmit a representation of his case to the Governor in Council, through the judge, who shall be bound to forward the same.

The security ends with the life of the officer, whose heirs are liable according to law.

XVI. In case of the death of an officer who may have given security according to this Regulation, the surety shall be discharged from all responsibility, except in matters and for sums which may already have been demanded to be made good by the surety; but the heirs of the deceased officer shall be liable by a suit in the Civil Court for any claims which Government may have against the deceased, in the same way as they would be for similar claims made by an individual.

CHAPTER III.

OF HEREDITARY DISTRICT AND VILLAGE OFFICERS,* INCLUSIVE OF VILLAGE ACCOUNTANTS.

XVII. and XVIII. [Appointment and dismissal—appointment of deputies.] *Rescinded by Section I. Act XI.* 1843, *q. v.*

Emoluments of hereditary offices to be recorded in a book,

XIX. *First.* It shall be the duty of collectors to record in a book to be kept for that purpose, the land and allowances attached to hereditary district or village offices.

* The terms "hereditary district or village office or officers," and "hereditary district or village revenue office or officers," used in this Regulation, are, by Section xv. Act XI. 1843, declared to apply to "all descriptions of hereditary offices and officers."

Second. The record shall specify the extent and value of the lands, and the different sources from which the allowances are received, whether from land, ready money, fees, or other perquisites, from villages and trades, or from the treasury of Government, with their amount, and in each case, as far as possible, the origin and duration of such allowances.

specifying all particulars.

XX. *First.* The allowances so derived by a sole proprietor or occupant of an hereditary district or village revenue office, shall in future be considered strictly as the official remuneration of the person filling the office, and as such shall not be subject to alienation by any incumbent.

Official allowances derived by a sole officiator, remain with the office;

See Sec. xiii. Act XI. 1843.

Second. Official emoluments enjoyed by a co-sharer of any hereditary district or village revenue office shall not leave the family in which the office is vested; and, if they revert to a sole proprietor or occupant of the office, they shall thenceforth follow the provisions of the preceding clause.

derived by a co-sharer, remain with the family, and on reverting to a sole officiator, remain with the office.

XXI. And whereas the great importance of the office of village accountant to the ascertainment and preservation of the interests both of Government and its subjects renders it necessary that special rules should be framed, with the view of defining the duties of that situation, and providing for their efficient discharge, it is hereby enacted, that the said duties, as described in the succeeding sections of this Regulation, shall be performed by the hereditary village accountant, if there be one, under the rules applicable to hereditary village officers; and, if there be no such person, the collector may, with the sanction of Government, appoint a person to be village accountant, who shall hold his situation under the rules in force with regard to the officers of the collector's regular establishment.

Special rules regarding the duties of village accountants:

to be performed by the hereditary officer, if there is one, otherwise by an appointed officer.

XXII. *First.* It shall be the duty of the village accountant to frame and keep, according to the directions of the collector, the following documents, or such of them as the collector may desire; viz., the revenue accounts of the village, which shall be kept in such a form to be established by the collector as may afford to each cultivator an intelligible statement of his account; registers of all the lands of the village, exhibiting such particulars as may be required regarding each respective field or garden, the occupant thereof, its tenure, its produce, the nature and extent of the assessment which it pays, the nature and extent of any exemption from the payment of revenue which is enjoyed, and the ground of the same; also registers of grants and sunnuds on which such exemption is enjoyed or claimed; also registers of fruit and timber trees, bearing a specification of the respective rights of Government and individuals; also registers of miscellaneous taxes, of the emoluments of district and village officers, the prices of grain in the village at various periods; and generally, to procure and record any information connected with the resources of the village which the collector may require.

Accounts, registers, and other documents to be kept by the village accountant.

Second. Copies of the accounts and registers framed and kept by the village accountant shall, according to the orders which he may receive from the collector, be furnished by him to the collector, to the komavisdar, hereditary district officer, or other person appointed by the collector to receive them.

Copies, to whom to be furnished.

Forms of all documents to be kept open to public inspection, under penalty.

XXIII. *First.* Forms of all accounts and registers framed by the village accountant descriptive of their respective contents, shall be kept constantly exposed to view by the village accountant at his residence, under pain, should he fail to do so, of punishment by the collector for neglect of duty, as an hereditary or appointed officer, as the case may be.

Accounts, &c. not to be removed from the village without due authority, but they may be inspected and copied, and copies will be authenticated.

Second. The village accounts and registers shall not be removed from the village, unless with the permission of the collector, but they may, without being taken from the custody of the village accountant, be inspected and copied, as well by the officers of Government, as by any persons interested therein; and the collector, upon application, shall authenticate copies so taken, provided that they be upon the stamped paper specified in Appendix (F) to Regulation XVIII. A.D. 1827.

Authority conferred on the village accountant to enter on and examine lands, and to require information, receiving assistance from the patel, who will cause witnesses to attend,

XXIV. *First.* It shall be lawful for the village accountant to enter upon and inspect, as may be necessary, all the lands of the village, for the purpose of procuring the information required of him by the collector, and to require all persons to furnish such information, so far as they may be respectively concerned; and it shall be the duty of the head of the village to prevent obstruction to the village accountant in the discharge of his duty, and to procure the attendance of persons, when required before him, in the same way as before himself in police matters.

and if they are absent, report the circumstance.

Second. If a person, whose attendance is required under the preceding clause, is not to be found in the village, the head of the village shall report the case to the collector for his orders.

The accountant cannot annul an exemption from revenue;

but if it rests on a deed which is not produced, may, under authority, register the land as liable to pay revenue, and it shall be so liable

until the deed is produced, when the claim will be examined.

XXV. *First.* The village accountant shall have no authority to disallow any existing exemption from the payment of the land revenue.

Second. But if a person enjoying such exemption under a written deed does not, when called upon, produce such deed for registry, the village accountant shall, if the collector shall afford his sanction to the measure, enter the land as liable to assessment, in the same way as if there were no title to exemption, and such land shall be assessed to the revenue accordingly.

Third. Provided, however, that such assessment shall cease, at any time when the holder shall register his deed, but without prejudice to the right of the collector to proceed against the holder according to the Regulations, if he deems the title to exemption insufficient.

Deeds produced shall be registered by the accountant and returned.

Fourth. When a grant or sunnud has been registered by the village accountant, he shall endorse thereon the day on which it was registered, and the number of the page in the register in which it is entered, after which he shall attest the endorsement with his signature, and return the grant or sunnud to the person who presented it.

Duties of the accountant as penman of the village.

XXVI. It shall be the duty of the village accountant, whenever called upon by the head of the village, or by the native revenue or police officer of the district, to prepare all writings connected with the concerns of the village which are required either for the use of Government or the public; such as notices, reports of inquests, and depositions and examinations in criminal matters, as well as to draw up deeds of reference, awards, and other papers in matters referred to arbitrators, as required by Regulation VII. A.D. 1827, Section IV. Clause Third.

See Act XXV. 1839.

XXVII. *First.* A village accountant, who, with a fraudulent intention, makes a false entry in any of his accounts or registers, erases or alters any entry therein, or is guilty of any other act of fraud in the exercise of his official functions, shall be deemed guilty of a criminal offence, and shall be punishable with fine and imprisonment, not exceeding, as punishment and commutation, the period of five (5) years. Fraud in village accountants punishable as a criminal offence;

Second. The receipt of any present or valuable consideration by a village accountant shall likewise be punishable as specified in the preceding clause. as also receipt of presents;

Rescinded by Act XXV. 1839. q. v.

Third. In the cognizance of the offences specified in the two preceding clauses, the penal jurisdiction of the [*magistrate and the*] *criminal* judge shall be the same as recited in Section XI. Clause Fourth, and the criminal proceedings authorized under this section shall be no bar to the institution of an action for damages against the village accountant by any party injured. and a civil suit may also be instituted.

APPENDIX (A).

See Act XXV. 1837.

Form of oath prescribed by Act of Parliament for an officer of revenue. Appendix (A).

I, A. B. do promise and swear, that I will, to the utmost of my endeavour, well and faithfully execute and discharge the duties of an officer of revenue reposed in and committed to me by the United Company of Merchants of England trading to the East Indies; and that I will not demand, take, or accept, directly or indirectly, by myself, or by any other person for my use or on my behalf, of or from any rajah, zemindar, talookdar, polygar, farmer, renter, or ryot, or from any tribute, rent, or tax, to or for the use of the said United Company, any sum of money or other valuable thing by way of gift, present, or otherwise, over and above or besides and except the actual tribute, rent, or tax authorized to be taken by and for the use of the said United Company; and that I will justly and truly account for, answer, and pay all the rents, duties, and other revenues and sums of money which shall come to my hands or to the hands of any person or persons in trust for or employed by me as an officer of the revenues of the said Company, unto the said United Company.

So help me God.

APPENDIX (B).

Form of security-bond to be passed by a surety for a native revenue officer. Appendix (B).

I, A. B. do hereby become security for the personal appearance of C. D., holder of the office of ———, in the collectorship of ———, if required by the collector; and in failure thereof, I shall be responsible for all demands that the said collector may have against the said C. D. for public money, public papers, or accounts, and be liable to be proceeded against until the officer is produced, in the same manner in all respects as the officer himself, had he been forthcoming.

Executed this ——— day of ———, in the year of ———, in the presence of the following witnesses.

E. T. }
G. H. } Witnesses.

(Signed) By the Surety.

(REVENUE BRANCH.)

Reg. XVII. 1827.

A.D. 1827. REGULATION XVII.

CONSISTING OF TEN (10) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Rules regarding Assessment concluded direct by the Revenue Officers of Government, and descriptive of the relative rights of Government and the Occupant of Land...	I.
II.	Of Precautionary Measures for the security of the Land Revenue	XI.
III.	Of the realization of the Revenue by Distraint of the Person and Property of the Defaulter	XII.
IV.	Rules for the security of the Ryot, by means of the Regularity and Publicity of Village Accounts, Penalties attached to Undue Exactions, and Penal Jurisdiction of the Zillah Magistrate and *Criminal Judge* in such cases	XV.
V.	Of the responsibility and authority of Komavisdars and Heads of Villages for the realization of the Revenue	XVII.
VI.	Of Farmers, and of their Power and Responsibility *	XX.
VII.	Of the Powers and Responsibility of superior Holders of Land, in respect to the realization of the Rent of their Lands, and to the Payment of Revenue due therefrom	XXIX.
VIII.	Of the Civil Jurisdiction of the Collector in the adjustment of the respective Rights of Parties, in cases which relate to Land and its Rent and Produce	XXXI.
IX.	Of Titles to Exemption from the Payment of Land Revenue ...	XXXV.
X.	Rules for examining and deciding upon Claims to Exemption from the Payment of Land Revenue, and for discontinuing such Exemptions when not duly established	XL.

SUPPLEMENTS.

I. Regulation XXXIV. 1827.
II. ——— VI. 1828.
III. ——— VI. 1830.
IV. ——— X. 1831.
V. ——— II. 1832.
VI. ——— VI. 1833.

A REGULATION *for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the Land Revenue, defining the relative Rights in the Land and its Produce, of the Government and the Subject, of the superior Holder and the Tenant; vesting the Collector with judicial Powers in Cases regarding Land, and its Rent and Produce, and declaring the Circumstances under which exemption from the payment of Land Revenue is to be enjoyed:* PASSED *by the Governor in Council, on the 1st January,* 1827.

Preamble.

WHEREAS it is expedient, with a view to the protection of the rights of the state, and of individuals, that the principles on which the public revenue

is assessed, and its realization secured and effected, should be made known; that authorized receipts on account of revenue should be regularly and correctly recorded, and unauthorized exactions promptly punished; that the powers and responsibility of subordinate revenue officers, of farmers, and of superior holders of land, should be defined; that the collector should be vested with civil jurisdiction in the cognizance of cases which relate to land, and its rent and produce; that the titles held to confer a right, except in times of exigency, to entire or partial exemption from the payment of revenue, should be declared, and a mode provided for trying the title to exemption enjoyed when such title is deemed insufficient by the revenue officers;—the following Rules have therefore been enacted, to have effect throughout the territories subordinate to Bombay from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg XXVIII 1827

CHAPTER I.

RULES REGARDING ASSESSMENT CONCLUDED DIRECT BY THE REVENUE OFFICERS OF GOVERNMENT, AND DESCRIPTIVE OF THE RELATIVE RIGHTS OF GOVERNMENT AND THE OCCUPANT OF LAND.

The settlement of the assessment to be concluded by the collector and the officers of his establishment,

I. *First.* The settlement of the assessment in each zillah shall be conducted by the collector and the officers of his establishment acting under his orders, according to the rules hereafter specified in this chapter.

heads of villages employed ministerially, how far responsible for the revenue

Second. Heads of villages employed hereditarily or otherwise in the assessment of the revenue, but having no proprietary right over the land assessed, will be responsible, to such extent as may be consistent with the custom of the country and with their agreement with the collector, for the revenue of their respective villages.

All land liable to pay revenue according to its kind, unless specially exempted

II. *First.* All land, whether applied to agricultural or other purposes, shall be liable to the payment of land revenue to Government, according to the established principles which govern the assessment of that description of land to which it belongs, except such as may be proved to be either wholly or partially exempt from the payment of land revenue, under any of the provisions contained in Chapters IX. and X. of this Regulation.

and special exemption may, in case of necessity, be overruled for a time

Second. Provided, however, that nothing contained in the preceding clause, or in the enactments therein cited, shall be understood to affect the right of Government to assess to the public revenue all lands, under whatever title they may be held, whenever and so long as the exigencies of the state may render such assessment necessary.

The settlement to be made with the occupant or highest holder,

III. *First.* The settlement of the assessment shall be made with the occupant of land: the cultivator, when the land is held direct by him from Government, is to be considered the occupant; and when it is not so held, the person having the highest right or holding, recognised by the custom of the country or resting on specific grant, which intervenes between the Government and the cultivator, is to be so considered.

or if he is absent and has left no agent, with the next holder

Second. If the occupant, being a superior holder, is absent, and has left no authorized agent, so that the settlement of the assessment cannot be concluded with him, such settlement may be made with the person holding directly under him.

If the right of assessment is unlimited, the collector fixes it under the control of Government; where there is a limit, it must not be exceeded:

IV. *First.* When there is no right on the part of the occupant in limitation of the right of Government to assess, the assessment shall be fixed at the discretion of the collector, subject to the control of Government.

Second. When there is a right on the part of the occupant in limitation of the right of Government, in consequence of a specific limit to assessment having been established and preserved, the assessment shall not exceed such specific limit.

the right to fix new rates by Regulation being nowise affected:

Third. Nothing contained in the last preceding clause shall be understood to affect the right of Government to institute by Regulation, at any time when it may appear expedient, new and specific rules regarding assessment.

excess of assessment may be laid on land inadequately assessed held by the person paying it.

Fourth. When a larger revenue under the name of "veta," or other local denomination, is, under former practice, assessable upon a portion of land, than, according to general rule, such land would otherwise pay, in consideration of other land enjoyed with it, and not directly assessed, or assessed below its value, such excess of assessment shall be placed upon the land which is enjoyed without being assessed, or which is assessed below its value.

The occupant is liable in person and property for his revenue, and if not paid by him, it may be realized from the inferior holder, fair payments to the superior holder being allowed; the crop also being liable for its revenue in preference to all other claims.

V. *First.* The occupant shall be liable in his person and property, according to the Regulations, for the revenue of his land.

Second. If the occupant, being a superior holder, shall not discharge the revenue due by him, it may be realized from the inferior holder, but such inferior holder shall receive credit for all payments to his superior holder not made in anticipation of the usual kists.

Third. In all cases the revenue of the year, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of the land assessed.

Land may be thrown up on notice given:

VI. *First.* Any occupant may throw up his land, and cease to pay the assessment, but he must give notice to the person authorized to receive the revenue, of such being his intention, previously to the murgsal, or commencement of the revenue year, or he will be liable for any loss in the revenue of that year occasioned by his abandonment of the land without due notice, and the amount of such loss shall further be fixed and levied by the collector as an ordinary assessment.

exception in the case of a cess, until the cess is fixed upon the land;

Second. When a cess (veera, &c.) is paid by any class of people holding land exempt from the payment of revenue, the produce of the land being evidently the means of the payment of the cess, no alienation of any part of such land, without the collector's sanction, shall be valid; but if application be made by the persons paying the cess, the collector shall cause such cess to be laid as a fixed assessment upon such portion of the land as he may judge to be adequate, and the remainder of the land shall thenceforward cease to be subject to any restriction on account of such commuted cess.

exception in the case of veta, until its payment has been provided for.

Third. If a person throw up land paying veta, as described in Clause Fourth, Section IV., before the provisions of the said clause shall have been followed, he shall at the same time surrender the land held in conjunction with the said veta land; and if he throw up land, the road to which lies through land retained by him, such road shall continue open, without entitling him to any abatement of revenue on that account.

VII. *First.* Uncultivated land not exempt from assessment may be disposed of, with the collector's sanction, for the benefit of the revenue.

Uncultivated land liable to pay revenue may be disposed of by the collector,

Second. Provided, however, that such disposal shall not in any way affect the claim to preference, the right of occupation, or any other rights which individuals may have over such land, as the same may, when contested, be established in a court of justice.

all rights being respected.

VIII. *First.* Nothing contained in any of the preceding sections shall be understood to affect in any way the peculiarities of the tenure of shareholders of villages settling hereditarily and by right for the revenues of their villages in the gross, and thus possessing in some measure a proprietary right in the land of their villages: the said peculiarities shall be respected and preserved, whether they relate to the occupancy, disposal, and assessment of the lands of the village, the collection of the revenue, and the joint liability of the shareholders, or to the intermediate steps prescribed by the terms of the tenure, and by local usage, for the purpose of realizing the revenue, in case of non-payment, without destroying the tenure.

Reservation of the rights of shareholders of villages divided into shares,

Second. Provided, however, that the land and its crop shall in these villages, as well as in others, be held to be ultimately liable for the revenue, and that when the shareholders fail to pay such revenue, and the intermediate steps in such cases prescribed by the tenure and local usage have been found inefficient, it shall be competent to the collector to manage the said villages in the same way as others, and the lands of any such village shall then revert to the Government unaffected by the acts of the shareholders, or any of them, so far as the public revenue is concerned, but without prejudice, in other respects, to the rights of individuals.

the land of which is, however, ultimately liable for the revenue, and will by non-payment eventually revert to Government.

IX.* *First.* The collector's decision upon any question arising out of the provisions of the preceding sections shall, in the first instance, be obeyed and acted upon as the rule.

The collector's decision on questions arising out of the preceding rules to be in the first instance the rule,

Second. But if any person should deem himself aggrieved by any such decision, he may either present to the collector a petition, addressed to Government, praying for redress, or may file an action against the collector in the Civil Court, under the ordinary rules, or he may pursue both methods at the same time.

but any person may appeal to Government by petition, or file an action, or do both:

Third. The collector shall forward to Government, without delay, any petition presented to him under the preceding clause; but the reference to Government shall have no effect upon any suit instituted in the Civil Court.

the collector shall forward any petition, but the reference to Government shall not affect the suit:

See Sec. ii. Reg. V. 1830.

Fourth. No revenue officer except the collector (permanent or acting), or an assistant in charge of the collector's duties, shall exercise the authority conferred by the first clause of this section.

the collector or assistant in charge alone to decide on these questions.

X. The collector shall cause notice to be given, either specially to the occupant of the land, or by public proclamation, to be fixed up at the village chowra, of the respective periods at which the instalments of the revenue become due, and of the person to whom payment is to be made.

Notice of the periods, &c., of revenue instalments, how to be given.

* Sections ix. xvi. and xlix. are modified as extended to the Dekhan and Kandesh (Poonah and Ahmednuggur) by Section vi. Regulation XXIX. 1827; and as relates to the Southern Mahratta country (Dharwar), by Regulation V. 1830.

CHAPTER II.

OF PRECAUTIONARY MEASURES FOR THE SECURITY OF THE LAND REVENUE.

Assessable crops, if the collector should duly so direct, must not be reaped without permission :

XI. *First.* No assessable crop, if the collector* shall so direct, by a proclamation to be exposed to view in the village chowra one month before the usual time of reaping, shall be reaped, until notice in writing has been given to the collector, or other person nominated by him for the purpose, and the said notice has been endorsed as an acknowledgment and returned as a voucher: and any person, after such notice so given, proved before the collector to have reaped, or connived at the reaping of his crop, without such voucher, shall be liable to a fine, not exceeding half the current value of the crop reaped, to be fixed and levied by the collector as an ordinary assessment.

penalty :

nor if directed, must they be removed without permission :

Second. And if the collector shall so direct, one month before reaping, no assessable crop shall be removed from the field wherein it has been reaped, or from any place wherein it may have been deposited by mutual consent of the collector and the owner, without the sanction, in writing, of the collector, or other person authorized by him to grant it, under the penalty, on the part of the owner, described in the preceding clause, upon proof made, as therein specified, of his having committed the offence, or connived at it.

penalty :

the collector may place watchmen to prevent such reaping or removal, and their wages must be paid by the occupant :

Third. It shall be lawful for the collector to cause watchmen to be placed over the crops, for the purpose of preventing the unlawful reaping or removal of the same, and to realize the amount required for their remuneration, at the rate of pay received by the peons on his establishment, from the occupant, in the way provided for the realization of the revenue.

reaping or removal of crops must not be unreasonably protracted ; but when the restrictions are taken off, the revenue and contingent expenses may be realized ;

Fourth. As the above restrictions on reaping and removing the crop are intended only as a temporary security against clandestine disposal of the same, the collector shall not defer the said reaping, or prolong the said deposit, so as to damage the produce; and within the period of two months after the crop has been deposited, he shall, if the revenue has not been discharged, either release the crop so deposited, and proceed to realize the revenue, according to the rules generally enacted for that purpose, or take such portion of the crop, in no case exceeding one half, as he may deem equivalent to the revenue due, and twenty (20) per cent. on the same, as a set-off against contingent expenses, and relinquish the remainder to the owner.

adequate security for the revenue will be taken in lieu of all restrictions ;

Fifth. The occupant shall be released from the operation of the rules contained in the foregoing clauses of this section, upon furnishing security satisfactory to the collector, or other person authorized by him to take it, for the payment of the revenue as it becomes due.

but they may be resorted to if the security prove insufficient.

Sixth. But permission to reap or remove the crop may at any time be retracted by an order in writing to the cultivator, upon the security for the revenue appearing inadequate; and the violation of such order shall be punishable in the same way as reaping or removing the crop in the first instance without permission.

* Under Act XIII. 1842, the powers of collectors under Chapters II. and III. may, with certain restrictions, be conferred on Jagheerdars, Serinjamdars, and others, by the Governor in Council.

CHAPTER III.

OF THE REALIZATION OF THE REVENUE BY DISTRAINT OF THE PERSON AND PROPERTY OF THE DEFAULTER.

Unpaid revenue may be realized from the occupant or his security, or both,

XII. *First.* If the period fixed, as prescribed in Section X., for payment of any instalment of the revenue, shall have elapsed without payment having been made, it shall be competent to the collector, when the contumacy of the defaulter may render it in his judgment necessary, to enforce payment of the same by proceeding, as described in the following clauses of this section, against the defaulter or his security, or both.

by employing a foot or horse mohussul on specified rates of pay and for a certain period:

Second. The collector may resort to mohussulee by sending a peon or other person employed as such, or horseman, to demand payment, whose subsistence, as fixed by the collector, shall be paid by the person to whom he is sent, until the demand is satisfied. The subsistence of a foot mohussil shall be at the same rate as the wages of collector's peons in the district, for the three first days, and at a rate not greater than double that amount for the next six days, and at a rate not greater than treble the said amount for six days more succeeding: the subsistence of a person employed as a horse mohussul shall be at a rate not greater than double that prescribed for a foot mohussul, and the amount of such respective subsistence, if not otherwise paid, shall be leviable by the collector as an ordinary assessment.

the mohussuls ultimately receiving what the collector adjudges, provided that it be a certain sum:

Third. But every person employed as a mohussul shall account for the whole of his receipts to the collector, who shall assign to him such part of the same as the collector may deem a fit remuneration, provided that it shall not be less for a foot mohussul than the wages of a collector's peon, nor less for a horse mohussul than double such wages for the time during which he may have been employed.

more persons than one may be employed as mohussuls; but mohussulee must never exceed one-fifth of the demand.

Fourth. The collector may, if he should deem it requisite, employ more persons than one as mohussuls, fixing the pay of each according to the preceding rules; provided, however, that whether one person or more be so employed, the amount of mohussulee shall never exceed one-fifth of the amount of the demand on account of which it was incurred.

and will cease when the defaulter reaches the kuchery:

Fifth. A defaulter, to whom a mohussul has been sent, shall be at liberty to repair to the kuchery from whence the mohussul came, or to the collector's kuchery, and mohussulee shall cease from the time of his reaching the kuchery.

the defaulter's property may be attached and sold;

Sixth. The collector may, in lieu of resorting to mohussulee, or after employing the same, enforce payment of the amount due by the attachment and sale of the property of the individual proceeded against, or by confining him for a period not exceeding thirty (30) days, at the Sudder, or any district kuchery, or by causing him to be imprisoned in the civil gaol of the zillah.

See Sec. v. Act XIII.1842.

attachment and sale for revenue demands, how conducted;

Seventh. The attachment and sale of the property of defaulters shall be conducted by the collector and officers of his establishment, under the rules prescribed for the Civil Court in Regulation IV. A.D. 1827, Section LXII. Clause Second, and Sections LXVI. and LXIX., and inter-

* See note preceding page.

vening sections, the collector's order, stating the amount due by the defaulter, and directing its realization, occupying in all respects the place of a judicial decree, and the subordinate officers of the collector's establishment being authorized to execute such order, in the same way as the subordinate officers of the Civil Court execute its decrees, without reference to the denomination of their offices.

defaulters for imprisonment to be sent with a memorandum of the demand to the judge.

Eighth. When a person is forwarded to the judge for imprisonment in the civil gaol under the provisions of Clause Sixth, the collector shall send by the peon in charge a memorandum, stating the name of the person sent for imprisonment, the nature of the demand against him, and the amount thereof.

who will imprison them as debtors, the collector paying the subsistence-money:

Ninth. The judge on receiving the memorandum shall cause the defaulter to be imprisoned in the civil gaol, according to the rules for the imprisonment of debtors under decrees of court, the subsistence-money of the prisoner being furnished by the collector.

but they may be released on security given to satisfy the demand or try it, and fulfil the decree.

Tenth. If a defaulter, confined in the zillah gaol, shall give before the judge sufficient security that he will either file a suit in court within fifteen (15) days against the collector to try the demand, and will pay the amount which may be decreed against him, together with the costs and interest which may be so decreed, or that, if he fail to file such suit as above specified, he will, when required, pay the amount demanded, the judge shall forthwith cause him to be set at liberty.

Revenue demands of former years recoverable like current revenue, but without prejudice to other claims.

XIII. Arrears of revenue of former years, and demands on account of money advanced as tukavee, shall be recoverable by the collector in the same way as current revenue, except that the paramount preference given to demands for current land revenue, as specified in Section V., shall not extend to demands on account of the arrears, or of advances for former years.

Collectors may realise each other's demands.

XIV. The principles of Regulation IV. A.D. 1827, Section LXX., relative to the enforcement of each other's decrees by Zillah Courts, shall be applicable to collectors, who shall, on application, realize each other's revenue demands in the same way as if they were their own.

CHAPTER IV.

RULES FOR THE SECURITY OF THE RYOT BY MEANS OF THE REGULARITY AND PUBLICITY OF VILLAGE ACCOUNTS, PENALTIES ATTACHED TO UNDUE EXACTIONS, AND PENAL JURISDICTIONS OF THE *ZILLAH MAGISTRATE* AND *CRIMINAL* JUDGE IN SUCH CASES.

Receipts for all revenue payments to be granted by the receiver, and countersigned and entered by the tulatee:

XV. *First.* Receipts for all revenue payments, in money or in kind, specifying the date and the particular account on which made, shall be granted by the person authorized to receive the public dues, and such receipts shall be countersigned by the tulatee, and recorded on his books; and any person authorized to receive revenue, and any tulatee convicted of a

penalty:

breach of these rules before the collector, shall be liable to a fine, not exceeding three times the amount received for which a receipt was not duly granted; such fine to be levied by the collector as an assessment, and one-half thereof to be paid to the informer.

Second. The tulatee of the village shall furnish to the occupant of any land in the bounds of the village who may demand it, a copy of his account for the current year, and the tulatee's accounts of the village shall be open to public inspection, and all persons concerned shall be allowed to make extracts from them.

the tulatee to furnish occupants with copies of their accounts, and to let his books be inspected and extracts made:

Third. Any tulatee refusing for ten days to give to any person interested access to his accounts, or to furnish accounts required under the two preceding clauses, shall be liable to a fine, not exceeding ten (10) rupees for every such breach of duty, and further, to suspension or dismissal from office.

penalty of refusal:

Fourth. If there is no tulatee in the village, the person performing the duties of that officer will be held to be responsible for the observance of the provisions of the preceding clauses, under the penalties therein specified.

where there is no tulatee, the person doing the duty is liable.

See note at Sec. ii.

XVI. *First.* All undue exactions, made under the colour or by the exercise of the authority of any revenue officer, are hereby declared criminal offences, and may be prosecuted criminally: they shall be punishable by imprisonment for a period not exceeding seven (7) years, and a fine not exceeding ten (10) times the amount of the undue exaction, commutable into a further period of imprisonment at the rate of two days' of imprisonment per each rupee of fine.

See Act XXV. 1839.

Undue exactions as revenue demands are criminal offences, and punishable with fine and imprisonment:

Second. The authority imposing the fine may award part or the whole thereof as reward to the informers.

reward to informers:

Third. If the offender be on the collector's establishment, he shall further be liable to punishment for breach of duty, under the rules enacted on that subject.

further punishment of the offender, if on the collector's establishment:

Rescinded by Act XXV. 1839, q. v.

Fourth. [*The penal jurisdiction of the collector as magistrate, in the cognizance of the offences specified in Clause First of this section, shall extend to imprisonment for the period of three* (3) *years inclusive of the commutation for fine;*] the absolute jurisdiction of the *criminal* judge shall in the said cases extend in like manner to imprisonment for five (5) years; sentences of imprisonment for a longer period passed by the *criminal* judge, whose jurisdiction under *Regulation XIII. A.D.* 1827, *Section XIII. extends to seven* (7) *years*, shall be referred with the cases to the Sudder Foujdary Adawlut, according to the rules contained in Clause Second of the said section.

the magistrate's penal jurisdiction extending to three years' imprisonment, and the *criminal* judge's absolute jurisdiction to five years:

See Sec. iii. Reg. III. 1830.

Fifth. Nothing contained in the preceding clauses shall be held to prevent the person from whom the undue exaction was made, from instituting a civil action for the recovery of the same; but the sum which the plaintiff may have received under Clause Second of this section shall be deducted from the amount of the undue exaction proved, and the remainder only decreed to be paid.

a civil suit may further be instituted; but if any money has been recovered, damages must be lessened.

CHAPTER V.

OF THE RESPONSIBILITY AND AUTHORITY OF KOMAVISDARS AND HEADS OF VILLAGES FOR THE REALIZATION OF THE REVENUE.

XVII. *First.* It shall be competent to the collector to authorize komavisdars to demand security, whenever requisite, for the payment of

A komavisdar may be authorized to take security or other pre-

cautions for the realization of the revenue,

the revenue, and if it is not furnished, to take the necessary precautions, as authorized in Section XI., by means of the district and village revenue establishment, to ensure the realization of the revenue.

and to send mohussuls and confine defaulters at his kuchery, reporting each case:

Second. The komavisdar may further be authorized to send mohussuls on defaulters, and to confine defaulters at the district kuchery for a period not exceeding thirty (30) days, provided that an immediate report of each case be made to the collector.

and to send them to the collector,

Third. And further to send defaulters to the collector for imprisonment in the civil gaol, if the collector should think fit.

and attach their property, reporting each case.

Fourth. And also to attach the property of defaulters on making an immediate report to the collector for his final orders.

The collector may authorize heads of villages to employ watchmen to guard the crops,

XVIII. It shall be lawful for the collector to authorize heads of villages to employ watchmen for the purpose of preventing the removal of crops assessed to the revenue, when security has not been given, or when, if given, it subsequently appears insufficient, the collector, however, being responsible that the provisions of Section XI. on this subject are not exceeded.

and both the komavisdar and head of a village may employ a village havildar, and authorize his receiving his fee.

XIX. It is to be understood, that the komavisdar and patel duly authorized to receive revenue are always entitled to employ the village havildar or village beadle in realizing revenue demands, and to authorize such village officer to exact the fee usual in the village on such occasions, provided that such fee shall in no case exceed half an anna.

CHAPTER VI.

OF FARMERS, AND OF THEIR POWER AND RESPONSIBILITY.

The revenue may, with the sanction of Government, be farmed on written agreement:

XX. It shall be lawful for the collector, with the sanction of Government, to farm the public revenue, or any portion thereof, to individuals, on specific agreements to be passed in writing.

notice of the farm to be given.

XXI. When land revenue is farmed, the collector shall cause specific notice thereof to be given to the head patel of each village included in the farm, and a proclamation to the same effect to be fixed up at each village chowra; the notice shall specify the name of the farmer authorized to receive the revenue, and whether personally only, or at his option through his agents, and the period when the revenue, or each instalment thereof, will become due.

The farmer can raise the assessment only by application to the collector, whose direction is the rule, until altered by the court.

XXII. The farmer shall not have authority to increase in any instance the assessment paid the preceding year; but, when he may consider himself entitled to a larger amount than that assessment would award from any individual, he shall make application in writing to the collector, whose directions shall be obeyed and acted upon as the rule, until superseded by a judicial decree in a suit instituted against the collector under Section IX. Clause Second.

The farmer may employ watchmen, if security has not been given,

XXIII. *First.* The farmer may be authorized by the collector at his discretion, if security is not given for the revenue, to cause watchmen to

be placed over crops, with the view of preventing their being removed without his permission; the remuneration of the watchmen shall be defrayed, and the unauthorized reaping or removal of the crop, or conniving at the same by the owner, shall be punishable, in the same way as if the revenue had not been farmed.

and crops must not be reaped or removed without permission, under penalty;

See Sec. ii. Reg. V. 1830.

Second. But no demand of the farmer, on account of any of the matters specified in the preceding clause, shall be enforced except on investigation made, and order passed by the collector, or one of his assistants.

but the collector or his assistant must adjudge it:

Third. The farmer shall not have authority, without the consent of the occupant, to dispose of or appropriate any deposited crop, or any part thereof, in satisfaction of demands of revenue collected in money, but shall make application to that effect to the collector, or one of his assistants, who, after due investigation, shall give such directions as the case may seem to him to require.

the farmer must not, against the owner's will, dispose of deposited crops, but must apply to the collector or his assistant, who will pass the requisite order.

XXIV. The farmer shall have authority to employ the village havildar or beadle in realizing revenue payments, and to authorize his receiving the usual fee, provided that the same shall not exceed one half of an anna.

The village havildar may be employed according to custom by the farmer.

XXV. The provisions of Section XV. Clause First, and of Section XVI. enjoining the grant of receipts for revenue payments, and imposing penalties on undue exactions, are hereby, to prevent uncertainty, declared applicable to the farmer and his agents.

Withholding receipts, extortion, &c. by the farmer or his agents, how punishable.

XXVI. *First.* If the farmer should desire to employ mohussuls, or to have recourse to the arrest, detention, or imprisonment of defaulters, or to the attachment and sale of their property for the purpose of realizing the revenue, he shall make application in writing to that effect to the komavisdar of the district, who shall be empowered to employ in behalf of the farmer the same means of enforcing payment of revenue claims as he is permitted to employ in realizing his own collections.

The farmer may, on application to a komavisdar, procure mohussuls to be employed,

Second. But the komavisdar is to investigate the farmer's claim, and to grant or reject the application, as to him may seem fit.

but the komavisdar must use his discretion,

Third. Nothing contained in the two preceding clauses is to be understood to prevent a farmer, either before or after a requisition to the komavisdar, from applying to the collector to enforce the payment of revenue due to the farmer, by any of the compulsory modes which the collector is authorized to employ.

and the collector may in all cases be applied to,

Fourth. The collector on receiving the application shall investigate the case, and take such steps as the just claims of the farmer may appear to him to require.

and after investigation, will pass the requisite order:

Fifth. If mohussulee or other compulsory process be employed by any revenue authority in behalf of a farmer, it shall cease at any time upon the alleged defaulter filing a suit against the farmer before the collector, according to the provisions of Chapter VIII. to try the demand, and furnishing security to the collector's satisfaction that he will discharge the amount which may be adjudged against him; and, on the other hand, if the revenue authorities shall have declined acceding to the farmer's application to employ compulsory process, it shall nevertheless be competent to the farmer to institute a suit against the ryot, according to the provisions of Chapter VIII. for the purpose of establishing his claim.

mohussulee or other compulsory process to cease on suits filed before the collector, and the farmer may file such suits though mohussulee, &c., has been withheld.

Arrears due to the farmer recoverable only by suit before the collector.

XXVII. Arrears of revenue of former years shall be recoverable by the farmer, only on suit instituted before the collector according to the provisions of Chapter VIII.

The farmer how liable for the amount which he has agreed to pay for his farm, which, if not paid by him, is recoverable from the *ryots*, fair payments to the farmer being credited.

XXVIII. The farmer shall be responsible to the collector for the amount which he has agreed to pay for the farm according to the terms of his agreement, and if he should fail to discharge any instalment on the day when it becomes due, it shall be competent to the collector to proceed against him or his security, or both, as against a revenue defaulter, and to direct the revenues of the farm to be paid in future into the public treasury; and, in such case, no payment on account of revenue made in anticipation to the farmer shall be held to bar the claim of the collector to the revenue assessable on the crop, which shall be realized in the same way as if no farm had been granted.

Extended by Sec. i. Reg. II. 1832, to farmers of revenue other than land.

CHAPTER VII.

OF THE POWERS AND RESPONSIBILITY OF SUPERIOR HOLDERS OF LAND IN RESPECT TO THE REALIZATION OF THE RENT OF THEIR LANDS AND TO THE PAYMENT OF REVENUE DUE THEREFROM.

Superior holders how to recover their dues from their tenants:

XXIX. *First.* The provisions contained in Sections XXIII. XXIV. XXVI. and XXVII. shall constitute the rule for the recovery of their dues by superior holders from their tenants.

power to arrest and imprison defaulting tenants conferred on the *Nuwab of Surat*, and complaints against him on this subject cognizable only by the agent for the Governor.

Second. But the *Nuwab of Surat* shall have authority to arrest inferior landholders and others occupying land belonging to the *Nuwab*, against whom he may have demands on account of rent, and to confine such persons in some fit place and manner for a period [*of thirty* (30) *days*,] or for any shorter term within which the *Nuwab's* demands may be satisfied; and complaints against the *Nuwab*, regarding the exercise of the power thus vested in him, shall be received and proceeded in by the agent for the Governor at Surat, according to the instructions which that officer shall receive from Government, and shall not be cognizable by any other authority.

See Act XVIII. 1846.

Rescinded by Reg. XXXIV. 1827.

Superior holders are responsible for their revenue to the collector, who, if necessary, may receive payment from the tenant.

XXX. Superior holders are responsible to the collector for the public revenue assessed on their lands, and if payment thereof be not made, or satisfactory security furnished, the collector may realize from the crop the amount due, or resort direct to the inferior holder, as provided for in Section V.

CHAPTER VIII.*

OF THE CIVIL JURISDICTION OF THE COLLECTOR IN THE ADJUSTMENT OF THE RESPECTIVE RIGHTS OF PARTIES IN CASES WHICH RELATE TO LAND AND ITS RENT AND PRODUCE.

The collector has civil jurisdiction in suits for the *possession of lands*,

XXXI. *First.* The collector is vested with the civil cognizance in the first instance, subject to the limitation as to time enacted in the general Regulations, *of all claims for the possession of lands.*

Superseded by Sec. i. Act XVI. 1838.

* Suits under this chapter are rendered subject to the stamp laws by Regulation VI. 1828. By Clause Fifth, Section ii. Regulation V. 1830, sub-collectors were vested with the same

Superseded by Sec. I. Act XVI. 1838.

Second. [*Of all disputes in regard to the tenures of land, and to the nature and extent of the interest and advantage which should in virtue of such tenure be enjoyed by the parties concerned.*]

and regarding tenures of land.

Third. Of all disputes regarding rent of the current or former year, which the ryot on the one hand, or the farmer or superior holder on the other, may desire to submit to civil adjudication, as provided in Sections XXVI. XXVII. and the first clause of Section XXIX.

and its rent;

Fourth. Of all questions regarding the use of wells, tanks, and water-courses, and roads to fields.

and regarding wells, tanks, &c.

Fifth. Of all disputes regarding boundaries.

and boundaries;

Sixth. All original suits relating to any of the subjects enumerated in the preceding clauses of this section, which may be depending in the Zillah Courts, will accordingly be forthwith transferred to the collector.

such suits to be accordingly transferred.

Rescinded by Reg. VI. 1828.

XXXII. *First.* In every suit instituted by virtue of the preceding section before the collector, a plaint on [*un*]stamped paper shall be presented to the collector, specifying the nature and extent of the demand, and such other particulars as may be necessary to elucidate the case.

The plaint to be on unstamped paper: what it is to contain:

Second. In summoning the defendant, receiving the pleadings, summoning witnesses, taking evidence, and generally in the conduct and decision of the suit (the proceedings on which shall be on unstamped paper), the collector shall be guided by the rules enacted in Regulation IV. A.D. 1827, for courts of civil justice; and it is hereby declared and enacted, that, in so far as concerns the summoning and examination of witnesses, the penalties for not giving evidence, for false testimony, for resistance of process, contempts, and all other similar matters connected with cases under cognizance by the collectors of land revenue, in virtue of the provisions of this chapter vesting collectors with judicial powers, their kucheries or offices shall be held to be courts of civil judicature.

See Reg. VI. 1828.

proceedings and powers of the collector.

XXXIII. *First.* A copy of the decree shall be furnished by the collector within (10) days of its date to each party, on his providing the stamped paper prescribed for decrees in Appendix (F) to Regulation XVIII. A.D. 1827; and after the said period of ten (10) days, the collector, on verbal application by the party interested, shall cause the decree to be executed, unless the opposite party should furnish security satisfactory to the collector, that he will either institute an appeal within the period prescribed by law, or will within the said period satisfy the collector's decree.

A copy of the decree to be furnished, if stamped paper is supplied, in ten days from its date, and may then be executed, unless an appeal be made.

XXXIV. [Appeals from collector to zillah judge.] *Rescinded by Section IV., and see Sections V. and VII. Regulation VI.* 1830.

functions and jurisdiction as collectors in respect of suits under this chapter. By Regulation VI. 1830, collectors and sub-collectors were authorized to refer such suits, when not exceeding 500 rupees, to komavisdars, or other similar officers, and to receive appeals from their decisions. The cognizance of these suits in the case of sirdars is transferred to the agent for sirdars in the Dekhan and Kandesh (Poonah and Ahmednuggur), by Regulation I. 1831, and to the political agent in the Southern Mahratta country (Dharwar), by Regulation XVI. 1831.

CHAPTER IX.

OF TITLES TO EXEMPTION FROM THE PAYMENT OF LAND REVENUE.

Title to hold land wholly or partially exempted from revenue under a valid deed;

XXXV. *First.* Whenever land is enjoyed, either wholly or partially exempt from the payment of public revenue, under a deed or other writing granted by the present or any former Government, or by any of their public officers possessing authority to grant the same, such deed or writing shall remain valid, and be considered as a sufficient title to the exemption.

under recognized tenure (without a deed) joined with *sixty* (60) years' exemption:

Second. Whenever land has been enjoyed, but not under a deed or writing, wholly or partially exempt from the payment of public revenue, for more than [*sixty* (60)]* years in succession, by any person, his heirs or others deriving right from him, such enjoyment, provided it has been under some tenure recognized by the custom of the country in which the land is situated, and more particularly under any of those specified in Appendix (A), shall be considered as sufficient title to exemption, [*provided, however, that vechania and gerania shall in no case, so far as the rights of Government are concerned, be considered as tenures recognized by the custom of the country for the purposes of this clause*]. Rescinded by Reg. X. 1831.

vechania and gerania excluded.

or twelve (12) years' exemption under a native Government:

Third. But enjoyment of such exemption for twelve (12) years, antecedent to the date when the territory in which the land is situated came into the possession of the British Government, shall be considered as equivalent to enjoyment for [*sixty* (60)]* years, as specified in the preceding clause.

exceptions in so far as the land has since been assessed by certain authorities,

Fourth. But such deed or writing, or such enjoyment under a recognized tenure, shall not be considered a sufficient title, in so far as the exemption has been wholly or partially annulled by an order issued by the present or any former Government, or by any public officer possessed, under a former Government, of full and sufficient authority to grant deeds exempting lands from the payment of public revenue, or so far as the land has been assessed under an order not subsequently recalled, issued by any of the said public officers, and such assessment has been realized.

or paid assessment for twelve (12) years:

Fifth. Nor shall such a deed or writing, or such enjoyment under a recognized tenure, be considered as a sufficient title, if the land has been subsequently assessed for the period of twelve (12) years, like other land of the same description enjoying no exemption, and the assessment has been realized, but without prejudice to any suit filed in support of the title to exemption, before the completion of the said period.

provision as to partial assessment.

Sixth. And where the assessment so levied for twelve (12) years has not been to the extent of that imposed on land of the same description enjoying no exemption, such assessment shall affect the title only to the extent of the assessment so made and realized.

Title to exemption from prescription (without a deed or recognized tenure);

XXXVI. *First.* Whenever land has been enjoyed without payment of public revenue, for more than [*sixty* (60)]* years in succession, by any person, his heirs or others deriving right from him, such enjoyment shall be considered as sufficient title to the exemption.

* Reduced to 30 years by Regulation VI. 1833.

Second. Provided, however, that land enjoyed as specified in the preceding clause shall be liable to assessment, so far as it may have been subsequently assessed under an order not expressly recalled, issued by the present or any former Government, or by any public officer possessed under a former Government of full and sufficient authority to grant deeds exempting land from the payment of public revenue, and such assessment has been realized, or so far as the land subsequent to such enjoyment for more than [*sixty* (60)]* years may have been assessed for the period of six (6) years, and the assessment been realized, but without prejudice to any suit filed in support of the title, before the completion of the said period of six (6) years.

exception when the land has since been assessed by certain officers, or paid revenue for six years.

XXXVII. *First.* But whenever the title to hold any land, exempt wholly or in part from the payment of public revenue, shall have been clearly recognized by the present or any former Government, or by any public officer possessed under a former Government of full and sufficient authority to grant deeds exempting land from the payment of public revenue, such recognition shall be understood to have cured all defects to the extent of such recognition, and be in so far admitted as a sufficient title to the exemption.

Recognition of title: its effects.

XXXVIII. *First.* Land held exempt as jagheer shall be liable to resumption and assessment under the general rules,† at the pleasure of Government, when signified by order to the collector, provided that such resumption or assessment shall not commence until after the incumbent shall have been served, in the manner specified in Clauses Third, Fourth, and Fifth of Section XL., with a notice according to the form contained in Appendix (B), accompanied by a copy of the order for resumption or assessment.

Land exempt as jagheer liable to resumption and assessment:

† Explained by Cl. 3, Sec. 1, Reg. VI. 1833.

Second. And further, all land held exempt from the payment of public revenue, if such exemption was granted in consideration of service to be performed, or for the support of religious or other establishments, or for other special purposes, shall be liable to be assessed, if the conditions of the grant are not fulfilled.

land exempt conditionally may be assessed, if the condition is not fulfilled,

Third. Provided that no such assessment shall be made until the person enjoying the exemption has received notice in writing, either from the Government, or one of its officers duly authorized, requiring him to fulfil the condition of the grant, and has failed so to do within the period specified in the *grant*, or if no period is so specified, for more than six (6) months from the date of receiving the notice.

but after notice,

Sic orig.

Fourth. Provided also, that when the person enjoying the exemption holds it in trust for the benefit of others, as in the case of exemptions granted for the support of religious establishments, public works, &c., proclamation shall, at the time of giving the notice, be made that the land will be assessed, and the assessment enforced, unless within the prescribed period the conditions of the grant are fulfilled, or a suit to enforce their fulfilment is filed by some person interested.

and in cases of trust, proclamation,

Fifth. The proclamation shall be read aloud in the most public part of the town or village within the limits of which the property is situated,

duly published.

* See note preceding page.

and copies thereof shall be fixed up in a conspicuous part of the Zillah Court, in the collector's kuchery, and in the public market of the said town or village.

Officers recognised as having authority to make grants of exemption:

XXXIX. *First.* The public officers specified in Appendix (C) are recognized to have possessed full and sufficient authority, under former governments, to grant deeds or other writings exempting land, either wholly or partially, from the payment of public revenue.

the authority of others to be proved.

Second. The validity of all such deeds or writings granted under former governments, by other officers than those specified in Appendix (C), shall not be admitted without proof that the person by whom they were granted possessed full and sufficient authority for the purpose.

CHAPTER X.

RULES FOR EXAMINING AND DECIDING UPON CLAIMS TO EXEMPTION FROM THE PAYMENT OF LAND REVENUE, AND FOR DISCONTINUING SUCH EXEMPTIONS WHEN NOT DULY ESTABLISHED.

When land is held, apparently without authority, exempt from assessment, the collector may issue a notice of assessment:

XL. *First.* When land is enjoyed wholly or partially exempt from the payment of revenue, and the collector has reason to believe that no sufficient title exists for its being so enjoyed, it shall be competent to him to call upon the occupant to defend his claim, specifying the mode of defence prescribed by Regulation, and the amount of assessment which he intends to impose upon the land, in case the claim to exemption should not be defended.

its form and contents:

Second. The notice shall be in the form contained in Appendix (D) to this Regulation.

to be served on the holder, or, in his absence, on his agent:

Third. It shall be served by a peon of the collector upon the holder of the land, if he is resident within the limits of the zillah, and, if he is not resident within the zillah, upon any person acting for him during his absence.

or forwarded to the holder in another zillah:

Fourth. If the holder is resident in another zillah, and has no person acting for him in the zillah in which the land is situated, the notice shall be sent to the collector of such other zillah, and be served in the manner above described.

or served on the person in charge of the land.

Fifth. And if the holder be neither known to reside, nor to have a person acting for him within any zillah, the notice shall be served upon the person in charge of the land.

If no answer is given, the collector may levy the assessment,

XLI. *First.* If the holder, or other person on whom the notice has been served, fails, within two months from the date of its receipt, to give a written answer, setting forth the grounds, whether resting on prescription or on specific grant, on which the claim to exemption is founded, or if he gives such answer, without exhibiting such evidence as may be required, either by the production of written documents, or by mentioning the names of witnesses whom he wishes to be summoned, as the case may be, the collector, after duly considering the information in his possession, may, if he sees no sufficient proof of the right to exemption, proceed to levy the assessment specified in the notice.

but shall allow time for the production of proof:

Second. But the collector shall, on due cause shown for delay, afford a reasonable period for the production of such evidence as the person

attending to support the claim to exemption may desire to bring forward.

XLII. *First.* If the person so attending, after giving in the written answer prescribed, within the period specified in Clause First of the preceding section, shall, on being called upon to produce evidence, exhibit a sunnud, grant, or other written document, or mention the names of witnesses whom he wishes to be summoned, it shall be the duty of the collector, in the presence of the party, to examine all written documents, and to summon and take the depositions of witnesses, in the same way and under the same rules as the general Regulations prescribe for the trial of civil suits in the Zillah Court.

upon answer given and proof produced, the collector to try the suit by the rules of civil justice.

Second. But, whereas it was enacted by Section II. Regulation III. A.D. 1814, that "all grants for holding lands exempt from the payment of revenue in the islands of Salsette and Caranja, which shall have been made by competent authority previously to the 1st December, A.D. 1774; and all such grants as may have been made in the territories ceded by the Nuwab of Surat previously to the 13th of May, 1800; and all such grants as may have been made previously to the 15th of March, 1802, in the pergunnahs of Chowrassee and Chickly, granted as a free gift by the Guicawar to the Honourable Company; and all such grants as may have been made previously to the 5th of June, 1803, in the territories ceded by the Guicawar; and all such grants as may have been made previously to the 31st December, 1802, in the territories ceded by the Paishwa under the treaty of Basseen; and all such grants as may have been made previously to the 29th of August, 1803, in the district of Broach, of which the Company acquired possession on that day by conquest, shall be valid; and all persons holding lands exempt from the payment of public revenue, under grants made by competent authority, previously to the several dates hereinbefore specified, shall continue to hold such lands without let or molestation, provided that such lands may not have escheated to the state, or may not have been resumed and assessed for the public revenue since the period of those dates respectively."

By Regulation III. A.D. 1814, all grants for holding lands exempt from the payment of revenue made previously to the following dates, respectively, to be valid: in Salsette and Caranja, 1st December, 1774: in the Chowrassee and Chickly pergunnahs, 15th Mar. 1802: in the territories ceded by the Guicawar, 5th June, 1803: in the territories ceded by the Paishwa, 31st December, 1802: in Broach, 29th August, 1803

Third. And by Section XVIII. of the above-quoted Regulation, that "a register shall be kept in each zillah of the lands held exempt from the payment of revenue, previously to the dates hereinbefore specified, and such registers shall be corrected and renewed once in every five years. The registers shall specify the denomination of each grant or sunnud; the names of the original grantors and grantees; the names of the present possessors, with the relation they bear to the original grantees; the dates of the sunnuds; the names of the villages comprised in the grant, with the extent of land specified in the local land measure, and the names of the pergunnahs in which the land may be situated; such registers shall be denominated registers of lands exempt from the payment of revenue under grant not being badshahee or royal."

A register of exempted land to be kept in each zillah: what the register is to specify, and what it is to be denominated:

Fourth. And by Section XIX. of the above-quoted Regulation, that "persons actually holding lands exempt from payment of public revenue, under sunnuds granted previously to the dates hereinbefore specified, shall, whether the sunnud may or may not have been confirmed by competent authority, register the said particulars regarding their respective sunnuds in the offices of the collectors of zillahs."

all grants for exempted lands to be registered;

to which effect collectors to make proclamation, specifying the information required.

Fifth. And by Section XX. of the above-quoted Regulation, that "the collectors of zillahs shall accordingly cause due notice to be given in all the kucheries and public places of each zillah by written instruments, requiring persons holding exempted lands to register their respective sunnuds; and the said notices shall specify the particular information required for the purpose of registration."

Period of time allowed for registration, and consequence of omission therein.

Sixth. And by Section XXI. of the above-quoted Regulation, that "when persons holding exempted lands may refuse, or omit to register their titles, during one whole year from the time of publishing the notice of the collector, such lands shall be liable to be assessed for the full amount of the public revenue, in the same manner as other lands of the pergunnah not held exempt under sunnud; but such assessment shall not be fixed by collectors, except by the sanction of the Governor in Council, previously obtained for that purpose in writing."

Regulation III. A.D. 1814, when made applicable to other districts:

Seventh. And whereas Regulation III. A.D. 1814, was rendered applicable to other districts than those mentioned in Clause Second, according to the enumeration contained, and on the dates respectively specified in Appendix (E) to this Regulation:

proclamations made in the zillahs of Surat, Broach, Kaira, Ahmedabad, and the Konkans: therefore lands therein not registered are liable to assessment.

Eighth. And whereas the proclamation mentioned in Clause Fifth has been made in the zillahs of Surat and Broach, the eastern and western zillahs north of the Mybee, and the zillahs of the northern and southern Konkan, it is hereby enacted, that in the above-mentioned zillahs no sunnud not registered within one year after the proclamation above mentioned was made, shall be held by the collector, or by any court of justice, to preclude the assessment of land in the manner specified in Clause Sixth.

Written deeds to be examined and copied in the owner's presence and returned:

Ninth. When a written deed is produced, the collector shall, after examining the same, certify on the back of it the date on which it was produced before him, and if desirous of having a copy of it, shall cause one to be made in the presence of the person who produced the deed, to whom he shall then return it.

the collector may summon and examine witnesses on the part of Government, his powers in such cases being those of a judge;

XLIII. *First.* The collector shall have authority to summon witnesses on the part of Government, to administer *oaths* to them, and to take their depositions, and the powers conferred on collectors in Clause Second of Section XXXII. of this Regulation, by constituting their kucheries or offices, for the time being, Courts of Civil Judicature, for the purposes therein contemplated, are hereby vested in them in the performance of the duties described in the present chapter.

but all evidence must be taken and read in presence of the party supporting the exemption, who may also take copies.

Second. On whatsoever evidence the collector rests a claim to assess the land, the same shall, if oral, be taken, and if written, be read, in presence of the party who may attend to support the claim to exemption, and such party shall also be at liberty to cross-question the witnesses, and to examine and copy the documents.

The collector to keep a record; what it is to contain:

XLIV. *First.* The collector shall keep a record of his proceedings in the language most generally spoken in the zillah; the record shall contain copies of all the documents comprised in the inquiry, and copies of all the depositions taken, with references to the originals; it shall further contain the decision of the collector, and a full statement of the grounds on which it is passed.

Second. A copy of the record shall, when the inquiry is closed, be given to the party attending in support of the claim of exemption.

a copy to be given to the party claiming the exemption, except under certain circumstances.

Third. But, in cases coming under Section XLI. Clause First, it shall not be necessary for the collector to enter on his record any documents or evidence whatever, nor to furnish the parties with any information beyond his decision on the claim to exemption, to be communicated in the mode prescribed in Section XL. Clauses Third, Fourth, and Fifth, for giving the notice of assessment.

XLV. If the decision of the collector be in favour of the right of the holder to enjoy the land, as previously, such decision shall, after being communicated to the party, be reported by the collector to Government, and, if sanctioned by Government, shall be final.

Collector's decision in favour of the exemption final, if sanctioned by Government:

XLVI. If the decision of the collector be against the right of the holder to the exemption claimed, he shall proceed to assess the land under the ordinary rules.

if against the exemption, assessment how to be made.

XLVII. Whenever the holder of land held wholly or partially exempt from assessment, or any person appearing to support his claim, has given a written answer to the collector's notice, issued in conformity to Section XL., and, if the claim is founded on specific grant, has produced a written deed, or shown sufficient cause for not producing it, it shall not be competent to the collector to leave the question undecided without the consent of the party in writing, on receiving which the collector shall furnish him with a copy of the record of his proceeding, which shall contain an intimation that his title has not been decided upon, and is subject to future examination.

Collector when bound to decide the question of exemption, and when not bound.

XLVIII. In all cases of doubt, or whenever in the course of the inquiry it appears to the collector that, although the claim to exemption has not been legally established, the holder, from uninterrupted enjoyment for a considerable period, or from other causes, is entitled to indulgence, it shall be competent to the collector to conclude a compromise, subject to the confirmation of Government, with the party, upon the principle of securing to him a portion of the advantages claimed.

A compromise may be concluded with the party claiming exemption.

ote at

XLIX. *First.* The holder of land subjected to assessment by the collector, under Section XLI. Clause First of this Regulation, shall be at liberty to institute an original suit in the Zillah Court against the collector within twelve (12) or six (6) years (according as the land, the subject of the suit, may come under the provisions contained in Section XXXV. Clause Fifth, or Section XXXVI. Clause Second), from the date when the collector's decision was made known.

Original suits against the collector, in what cases and for what period competent:

Second. The holder of land subjected to assessment by the collector under Section XLVI. of this Regulation, shall be at liberty to appeal to the Zillah Court from the collector's decision within ninety (90) days from the date on which that decision was made known.

appeals, in what cases and for what period competent:

Third. But, if a written answer was not given to the collector's notice, issued in conformity to Section XL., the holder shall, whether or not he gain his cause, pay the whole costs of suit, and forfeit at least one year's

the holder subject to forfeiture, if no written answer is given to the notice,

assessment of the land, and any further assessment which may have been levied up to the date of the decree.

or if given and the grounds of action differ from those urged in it,

Fourth. He shall also be subject to the same penalties, if such written answer was given, and the grounds of action subsequently stated in the petition of appeal are of a different nature from those urged in such answer.

or a sunnud previously withheld, without good cause is produced.

Fifth. And also, if the claim was grounded before the collector on a written deed, and the holder produces before the court any written deed, which was not produced before the collector, without showing sufficient cause and proving that such cause was assigned to the collector, or adducing good reason for its not having been so assigned.

If oral testimony previously withheld, without good cause is produced, certain forfeitures are exigible.

L. If the written answer given in to the collector stated that the proof of the claim rested on oral testimony, and the holder subsequently, before the court, calls any witness who was not called before the collector, without showing sufficient cause for his not having been called, and proving that the cause was assigned to the collector, or adducing good reason for its not having been so assigned, the holder shall, even if he gains his cause, pay the costs of suit and one year's assessment of the land, and be subject, moreover, to any part of the additional forfeiture specified in the three last clauses of the preceding section, which the court may impose in consideration of the degree in which he may be deemed to have himself occasioned the assessment of the land by the non-production of evidence before the collector, without assigning a sufficient cause for such non-production.

Rules for the trial of original suits,

LI. *First.* Original suits instituted in the Zillah Court under this chapter against the collector shall be conducted in the same way and under the same rules as all other suits, and shall be subject to the same provisions in respect to the right of appeal.

and appeals.

Second. Appeals instituted under this chapter against the decrees of the collector shall be tried by the zillah judge, the Government being the respondent, and shall be subject to the rules contained in *Clauses Second and Third of Section XXXIV. of this Regulation.*

Rescinded, see secs. v. & vi. Reg. VI, 1830.

APPENDIX (A).

Appendix (A).

List of tenures that may be considered as "tenures recognized by the custom of the country" under Section xxxv. Clause Second, of this Regulation.

See Reg. X. 1831.

Wanta,	Raonia,	Barria,
Grass,	Puggia,	Meeras,
Wuttun,	Khoodkhasta,	Izafut,
Pussacta,	Cooleyapa,	Dewusthan.
Waola,		

APPENDIX (B).

(See Section XXXVIII. Clause First.) Appendix (B).

Form of notice of the resumption of a jagheer.

Whereas you, ———, inhabitant of ———, occupy —— beegas of land in the bounds of the village of ———, in the pergunnah of ———, as jagheer; this is to acquaint you that the said tenure will cease from (here insert the date), in pursuance of an order of the Governor in Council, a copy of which is annexed.

(Signed) A. B.
Collector.

Collector's Office,
—— day of ——, 18—.

APPENDIX (C).

(See Section XXXIX. Clause First.) Appendix (C).

List of officers who, under former Governments, had power to confer grants exempting lands wholly or partially from the payment of public revenue.

Under the Emperors of Delhi:

Soobahdars of provinces.

In the territories that were subject to the Paishwa:

The Paishwa;
All officers holding the Mootalikee seal;
All sir-soobahdars in their districts;

All superior local functionaries, acting directly under the Paishwa, without the intervention of any superior authority, if the deeds bear date prior to 1803;

The Guikowar, considered as a sir-soobahdar in the Paishwa's territories to the north of the Mylee, during the period that he held them in farm.

In the territories that were subject to the Guikowar:

The Guikowar;
All officers holding the Mootalikee seal.

In the territories that were subject to Scindia:

Scindia;
His officers holding the Mootalikee seal.

In the territories that were subject to Holkar:

Holkar;
His officers holding the Mootalikee seal.

In the territories that were subject to the Nizam:

The Nizam.

In the districts that were subject to them:

The Nuwaub of Surat;
The Nuwaub of Broach.

APPENDIX (D).

(See Section XL. Clause Second.) Appendix (D).

Form of notice of assessment, if the claim to exemption is not duly established.

Whereas you, ———, inhabitant of ———, occupy —— beegas of land in the bounds of the village of ———, in the pergunnah of ———, without paying the amount due as Government revenue on the said land; this is to intimate to you, that, unless within two months from the receipt of this notice, you appear before me personally or by vakeel, and defend your

Appendix (D), *continued.*

claim to hold the land in the manner above specified, by giving in a written answer to this notice, setting forth the grounds of your claim, and produce such documentary or oral evidence as may be requisite in the case, or show good cause for not producing it, the land will be assessed at the rate of ———. Annexed to this, for your information, is a copy of Sections XLI. XLIX. and L. of Regulation XVII. A.D. 1827, specifying the consequence which will result from your neglecting to defend your claim before me, or defending it in such a manner as to bring you within the operation of the rules contained in those sections.

(Signed)

Collector of ———.

Date.

APPENDIX (E).

Appendix (E).

(See Section XLII. Clause Seventh.)

Statement showing when Regulation III. A.D. 1814, was rendered applicable to the under-mentioned territories.

Enactment concerned.	Territory.	Date when Reg. III. of 1814 commenced operation.
	SURAT ZILLAH.	
Sec. IV. Reg. I. of 1817.	The pergunnah of Currode - -	5th June, 1816.
	The pergunnahs of Bhugwara and Turkeysir.	6th June, 1816.
	The kusba of Mota, in Surat Attaveesy.	
	The village of Mugdula, with some adjoining lands of the village of Peeplod.	
	The pergunnah of Oolpar - -	28th Nov. 1816.
	*BROACH ZILLAH.**	
Sec. V. Reg. VI. of 1817.	The pergunnahs of Jumbooseer, Ahmod, Dejbara.	5th June, 1816.
	EASTERN ZILLAH NORTH OF THE MYHEE.	
Sec. IV. Reg. I. of 1817.	The pergunnah of Kupurwunj - -	5th June, 1816.
	The tuppa of Bahlej.	
	The four (4) villages of Sundana, Antroly, Wasna, and Kurnej.	
Sec. XIII. Reg. III. of 1819.	The pergunnahs of Mahmoodabad, Alena (except the two villages of Nikol and Sanoda), Antroly, Tasra, and Duskuroee, to the east of the Kharee river.	6th June, 1816.
	The Paishwa's share of the Petlaud pergunnah.	
	The town of Oomrut.	
	WESTERN ZILLAH NORTH OF THE MYHEE.	
Sec. XIII. Reg. III. of 1819.	The city of Ahmedabad - - -	6th June, 1816.
	The Duskuroee pergunnah, to the west of the Kharee river.	
	The pergunnahs of Veerumgaum and Purantej.	
	The two (2) villages of Nikol and Sanoda, in the Alena pergunnah.	
	The Paishwa's share of the districts of Byar, Hursol, and Morassa.	

* The zillah of Broach was abolished by Reg. XXVII. 1827, and its territories distributed between zillahs Surat and Kaira.

Enactment concerned.	Territory.	Date when Reg. III. of 1814 commenced operation.	Appendix (E), continued.
	ZILLAH OF THE NORTHERN KONKAN.		
Sec. V. Reg. VI. of 1817.	The districts of Bellapoor, Autgaum, and Kalian, and all the other territories of the Paishwa Bajee Row, extending north of those districts as far as the Damaun river, and lying between the Ghauts and the sea.	5th June, 1816.	
Sec. XIII. Reg. III. of 1819.	The territories of the Paishwa Bajee Row, extending south of the districts of Bellapoor, Autgaum, and Kalian, as far as the Apta river, and lying between the Ghauts and the sea, with the exception of the town of Apta, and the villages of Korulwaree and Sendapoor, in the Kurnala talooka.	2nd Sept. 1817.	
Treaty with the Colaba state.	So much of the Uoorwuleet turuf, north of the Apta, as belonged to the state of Colaba, with the exception of the following ten (10) villages and twenty-five (25) khars. *Villages.*—Woolvie, Turghur, Dapolee, Kopur, Pohee, Parengur, Koondeywal, Musor, Awrey, Gowan. *Khars.*—Nandaee Neemba, Khar Wasunee, Hurrichundur Peemplee, Kaljee Gobur, Boorey-Boozoorg, Band Khar, Khat Khar, Waltee, Mhalaee, Sonkhar, Bhangaree-Boozoorg, Rel Khar, Pond Khar, Shemptee, Waltee, Danwacheekota, Chiklee-bhoom, Motee Khar, Ranjun Khar, Hurischundur-kota, Gowendee, Booreekhord, Booree-cha-kota, Kopur, Pota-cha-moonh.	Regulation I. of 1823 the same, for the purposes of this Appendix, as Regulation III. of 1814, rescinded and supplied the place of Regulation III. of 1814 from the 2nd April, 1823, and was therefore alone extended to this portion of the territory. 6th June, 1824.	
	So much of the Toongartun Mahal, north of the Apta, as belonged to the state of Colaba, with the exception of the village of Wat. The four (4) villages, Tulowrey, Chandajee, Goorvey, and Nurol, in the Vuredy turuf. The two (2) villages Dewroog and Khurwar-boozoorg, in the Soonalee turuf. The village Amburjey, in the Sherey turuf. The village Amboolee, in the Burey turuf. The three (3) villages Nitaley, Nourey, and Khyruney, in the Tulozeh turuf. The three villages Kampolee, Dewkur, and Bhanwuj, in the Bortee turuf.	Regulation of 1823 in force 6th June, 1824. (See preceding explanation.)	
	ZILLAH OF THE SOUTHERN KONKAN.		
Reg. III. of 1819.	Fort Victoria and its nine (9) dependent villages. The fort and island of Sindoodroog, in Malwan, and the forts of Puddunghur,	2nd Sept. 1817.	

Appendix (E), *continued.*

Enactment concerned.	Territory.	Date when Reg. III. of 1814 commenced operation.
	ZILLAH OF THE SOUTHERN KONKAN—*continued.*	
	Rajkot, and Serjeekot, with the villages and lands dependent on the said forts. The fort and valley of Vingorla, and the cessions by the Waree state in Wurar and Muloondee. The territories of the Paishwa Bajee Row, bounded on the north by the Apta river, and on the south by the Karlee or Malwan river, and lying between the Ghauts and the sea, with the four (4) following exceptions :— 1st. The Oonderee talooka, except the village of Khar Dolvie, which village belongs to the zillah. 2nd. The three (3) following villages in Chawool ; viz. Waolee, Karley, and Komprolee. 3rd. The five (5) following warees in Chawool and Thul ; viz. Pakaree Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Veesajee Keshow, and Wursoolee. 4th. The oarts belonging to and situated without the walls of the fort of Rewdunda.	
Sec. IV. Reg. III. of 1820.	The nine (9) following sea-coast villages in the turufs of Ajgaum and Paut, viz. :— OF AJGAUM : Raree, Arowlee, Seerodee. OF PAUT : Dabolee, Kanolee, Keyloos, Mahapun, with the adjoining fort of Newtee, Konchuree, Purolen.	17th Feb. 1819.
Treaty with the Colaba state.	So much of the Toongartun turuf, situated south of the Apta river, as belonged to the state of Colaba, with the exception of the village of Khuraree-boozoorg. The two (2) villages Wureree and Shetolee, and the four (4) khars, Sonkhar, Dhadur Khar, Khar Dubaba and Dolvie Khar, in the Humrapoor turuf.	Regulation I. of 1823 in force from 6th June, 1824. (See explanation on the Uoorwuleet turuf, Northern Konkan.)

(REVENUE BRANCH.)

A.D. 1827. REGULATION XVIII.

Reg. XVIII. 1827.

CONSISTING OF THREE (3) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of Stamps, Rules for the Supply and Vend of them, and Punishments assigned to illegal Sales and Purchases	I.
II.	Of Stamps required to be used by Individuals in their Transactions with each other	X.
III.	Of Stamps required to be used in Law Proceedings, and for the Authentication of certain Public Documents and Papers ...	XV.

SUPPLEMENTS.

I. Regulation III. 1828.
II. ——— VIII. 1830.
III. ——— III. 1831.
IV. ——— XIV. 1831.

A REGULATION *for levying a Stamp Duty on certain Papers within the Territories subordinate to the Presidency of Bombay:* PASSED *by the Governor in Council, on the* 1st *January,* 1827.

Preamble.

WHEREAS it has been found expedient to levy a tax upon bonds, and other written obligations and engagements; upon deeds, or other documents transferring or assigning property; upon plaints and other law proceedings; upon sunnuds and certain certificates, and upon copies of documents requiring to be authenticated by a public officer;—the following Rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

OF STAMPS, RULES FOR THE SUPPLY AND VEND OF THEM, AND PUNISHMENTS ASSIGNED TO ILLEGAL SALES AND PURCHASES.

Institution of a general stamp office: appointment of the superintendent: his oath.

I. There shall be a general stamp office at the presidency; the person placed over the same shall be designated the superintendent of stamps, and shall, previously to entering upon the duties of his office, take before the Governor in Council the oath contained in Appendix (A).

See Act XXI. 1837.

Institution of zillah stamp offices:

II. An office for the sale and distribution of stamps shall be established in each zillah, under the superintendence of the collector of land revenue.

vendors of stamps to be appointed and stationed wherever required:

III. *First.* One or more venders of stamps shall be appointed by the collector in each kamavisdarship, or district of similar extent within a

zillah, who shall have their offices at such places as the collector may fix; but a vender shall always be established by the collector in each town or village where the court of a *commissioner* is held.

List of venders to be fixed up at each kuchery and court:

Second. A list of the venders of stamps within each zillah shall be constantly fixed up in the collector's office, at the kuchery of every kamavisdar or native collector of a district, and in every court within the zillah.

stamps how adequately supplied,

IV. It shall be the duty of the superintendent of stamps and of the collector of each zillah to keep the zillah constantly furnished with an adequate supply of the requisite stamps, and it shall further be the duty of the collector to make the same provision in regard to each subordinate vender.

and checked:

V. The superintendent and the several collectors shall establish such official arrangements, in regard to the inspection of stamps, to indents, issues, receipts, and accounts of sale, and other matters of detail, as may be best calculated to ensure the detection of forgery, and to prevent illegal sales, or lead to their discovery.

VI. *First.* [On what materials stamps are to be issued.] *Repealed by Act XV.* 1849.

sizes of stamped paper how made known:

Second. The various sizes of such stamped paper will be regulated by Government, and statements thereof shall be kept exposed to public inspection at the proper public offices and the shops of the authorized venders; and any vender failing to conform to this rule shall be punishable by the collector under the rules contained in Regulation XVI. A.D. 1827, Section IX.

any material whatever will, on being presented, be stamped.

Third. Provided always, that any person shall be enabled (without prejudice to the provisions of Section XIII. of this Regulation) to procure the requisite stamp to be impressed upon any material of whatever size, which can without great inconvenience be stamped, by presenting the same with the price of the stamp, at the presidency to the superintendent of stamps, or elsewhere to the collector for transmission to the superintendent, whereupon it shall be duly stamped and returned to the owner.

Particulars of the stamp:

VII. *First.* All paper and other material issued under the authority of this Regulation shall be stamped at the General Stamp Office, with a die bearing an inscription of the value of the stamp in the English, Persian, Mahratta, and Guzerattee languages.

and of the counter-stamp at the *treasury*.

Second. It shall also be counter-stamped at the [*General Treasury*] with a die, bearing the following inscription in the same languages, viz. "[*General Treasury*], 18—."

Substitute "Mint." See Reg. VIII. 1830.

Third. [Stamps to be endorsed by superintendent.] *Rescinded by Section I.; and see Section II. Regulation XIV.* 1831.

Misconduct of venders how punishable.

VIII. Delay or hindrance in furnishing purchasers with stamped paper, and misconduct generally on the part of venders, shall be punishable under the rules contained in Regulation XVI. A.D. 1827, Section IX. and any vender receiving more than the legal value of a stamp may be

prosecuted both civilly and criminally as for extortion under the rules contained in Regulation XVII. A.D. 1827, Section XVI.

Illegal sales and purchases of stamped paper punishable:

IX. *First.* All persons, except the superintendent of stamps, the collectors of land revenue, and the authorized venders, are prohibited from selling stamps, as also from purchasing them, except from a person authorized to sell them; and any person acting in opposition to this prohibition shall be punishable with fine, imprisonment not exceeding five (5) years, and flogging.

but a holder of a stamp may sell it back to the vender.

Second. Provided, however, that the holder of a stamp may return it to the person who lawfully sold it: and such person shall repay the price thereof, on being made acquainted with the name and place of residence of the holder, and other particulars, regarding which, for the purpose of preventing fraud, he may be authorized under Section V. of this Regulation to demand information.

CHAPTER II.

OF STAMPS REQUIRED TO BE USED BY INDIVIDUALS IN THEIR TRANSACTIONS WITH EACH OTHER.

Bonds and other specified documents of a value exceeding sixteen rupees, executed within the zillahs, must be stamped:

X. *First.* No bond, promissory note, bill of exchange, letter of credit, deed of contract, marriage settlement, partnership or agreement, security or engagement, and no deed of sale, gift, devise, mortgage, or other transfer or limited assignment of property, moveable or immoveable, unless the instrument be for a sum or value not exceeding sixteen (16) rupees, in which case it is hereby enacted that a stamp is not required, shall, if executed within any of the zillahs subordinate to the presidency of Bombay, be valid unless duly stamped.

exception if the document is intended for enforcement beyond such zillahs,

Second. But a bond or other writing, though executed within the said zillahs, if expressly intended to take effect beyond them, shall be received as a valid instrument, if it bears the stamp required for such writing in Great Britain, or any of the Governments of British India within which it was originally intended to take effect, or, if it is subsequently impressed with the stamp that would have been required had it been executed to take effect within any zillah.

or if it be an official engagement or relate to the rent of land.

Third. All engagements and releases between Government or its officers, and individuals, are, however, to be received and admitted in evidence or filed in any court of judicature, although not written on stamped paper; as also all leases and their counterparts, or other engagements of a similar nature relating to the rent of land passed between landholders and their tenants, whether or not the said land pay revenue to Government.

Bonds and other specified documents executed beyond the zillahs for enforcement within them, must be stamped:

XI. No bond, or other writing of any of the descriptions specified in the first clause of the preceding section, though executed beyond the zillahs subordinate to the presidency of Bombay, shall be valid unless duly stamped, if originally expressly intended to take effect within the zillahs.

stamp required for bonds and other speci-

XII. *First.* Every bond or other writing which is of any of the

fied writings when for a particularized value,

descriptions specified in Section X. Clause First of this Regulation, and which requires to be written upon a stamp, if it is for a specific sum of money, or if it transfers or assigns property of a value specified therein, shall, with the exceptions specified in Appendix (B), be written upon a stamp of a value to be regulated by the rates contained in the said Appendix (B).

and when not.

Second. But if such bond or other writing is not for a specific sum, or does not specify the value of the property thereby transferred or assigned, it may be written either upon a stamp of the value of eight (8) rupees, or upon a stamp of any value, provided that, in the latter case, no judgment shall be given thereupon, beyond the utmost sum which, by the rule contained in Clause First of this section, could be secured by the stamp used.

Penalty to be paid on procuring subsequently a stamp originally required:

XIII. *First.* A person possessing a bond, or other writing requiring to be written upon a stamp, but which is written either on paper or other material not stamped, or on a stamp of a value below what is required, may procure such bond or writing to be duly stamped by presenting it to any collector of land revenue, with the price of the proper stamp, and a penalty to Government equal to twenty times such price.

exception in certain cases:

Second. But a bond or other writing of the description specified in Section X. Clause Second, may be stamped at any time, and a bond or other writing of the description specified in Section XI. of this Regulation, may be stamped at any time within one year from its date, upon payment of the price of the proper stamp only.

mode in which the stamp is to be furnished.

Third. The collector, on receiving a bond or other writing, for the purpose of being stamped, shall transmit it to the superintendent of stamps, with a certificate that the price with the penalty (if any was incurred) has been paid; whereupon the superintendent shall cause the bond or other writing to be duly stamped, and at the same time mark thereon the date on which it was stamped, adding his official signature; after which he shall return it for the use of the owner.

Validity of bonds, &c. subsequently stamped, how regulated:

XIV. *First.* A bond or other writing stamped after its original date, if executed within the zillahs subordinate to the presidency of Bombay, shall, so far as it is affected by the stamp, become valid against the grantor from its original date; but, as to the rights of third parties, the date of its being stamped shall be held to be its real date.

special provision if the bond, &c., were intended for enforcement abroad,

Second. But if such bond or other writing executed within the zillahs was expressly intended to take effect beyond them, it shall, whenever stamped, become valid from its original date.

or if it was executed abroad for enforcement in the Bombay zillahs.

Third. Or if such bond or other writing was executed beyond the zillahs, but originally expressly intended to take effect within them, it shall, if stamped within one year, become valid from its original date; if stamped after one year, it shall be subject to the same rules and penalties as a bond or other writing executed within the zillahs subordinate to Bombay, and intended to take effect therein.

CHAPTER III.

See Sec. iii. Act XV. 1845, in respect of soldiers' suits.

OF STAMPS REQUIRED TO BE USED IN LAW PROCEEDINGS, AND FOR THE AUTHENTICATION OF CERTAIN PUBLIC DOCUMENTS AND PAPERS.

Stamp required for plaints and appeals.

XV. *First.* In all suits and appeals in any court of civil judicature, every original plaint, every ordinary petition of appeal, and every petition for a special appeal against any decree, shall, with the exceptions* specified in Appendix (C), be written on paper bearing a stamp of a value proportioned to the amount sued for or appealed against, according to the rates contained in the said Appendix (C).

* See rescission in Sec. i. Reg. III. 1828.

Special provision when the suit is returned for a second trial;

Second. But if the result of an appeal has been to remit the suit for decision on its merits to the court which originally tried it, and an appeal is afterwards preferred against the decree deciding the cause on its merits, the second petition of appeal shall be written on paper bearing the stamp prescribed for an ordinary application to the court in which the appeal is cognizable.

and in the case of a supplemental plaint, if it increase the sum sued for:

Third. If a supplemental plaint is filed, increasing the amount of the sum sued for in the original plaint, it shall be written on paper bearing a stamp of a value proportioned to the amount of the additional sum demanded.

or if not.

Fourth. But if the supplemental plaint does not increase the amount of the sum sued for in the original plaint, it shall be written on the stamp prescribed for an answer.

The writing plaints or appeals on inadequate stamps, how punishable.

XVI. *First.* If in the course of any suit or appeal it appears that the plaint or petition of appeal is written on paper bearing a stamp of less than the prescribed value, the court, according to the degree of culpability of the person who presented it, shall direct him to annex an additional paper bearing a stamp, either of a value sufficient to make up the deficiency, or of the full value of the stamp that should have been used in the first instance, across the stamp of which additional paper shall be written the number of the suit or appeal, the names of the parties, and the number of the paper to which it is annexed.

Particular provision when specific property is underrated;

Second. In like manner, if the value of any specific property sued for is estimated at too low a rate in the plaint or petition of appeal, the court, if it appears to have been so estimated bonâ fide, and if the value assumed was not less than three-fourths of the real value of the property, at the time when the suit or appeal was filed, shall proceed according to the rules contained in the preceding clause.

purposely, or below three-fourths of its real value.

Third. But if the value of the property appears to have been so estimated for the purpose of defrauding the revenue, or if the value assumed was less than three-fourths of the real value, the suit or appeal shall be dismissed.

Stamps required for security-bonds in suits.

XVII. If a security-bond executed in any stage of a suit or appeal is either wholly or in part for the security of eventual costs, the amount of such costs shall, for the purpose of determining the stamp to be used, be assumed at one-fifth of the sum sued for.

Answers and other documents;

XVIII. *First.* Every answer, reply, and rejoinder, every razeenama and vakalutnama, every application for summoning and examining witnesses or filing exhibits, for the revision of a decree, for a special appeal against orders issued either in the course of a suit or after the decree, or against orders issued in any other judicial proceeding, and generally, every application in any suit, appeal, or judicial proceeding (not being of a criminal nature), shall, with the exceptions* specified in Appendix (D), be on paper bearing a stamp of the value prescribed for each respectively in the said Appendix (D).

* See rescission in Sec. I. Reg. III. 1828.

also applications for examining witnesses and filing exhibits.

Second. In applications to summon or examine witnesses, or to file exhibits, it shall not be necessary to file a separate application for each witness or exhibit; provided that, if more witnesses or exhibits than one are included in the same application, it be written upon a stamp of the aggregate value of the stamps that would have been used, had a separate application for each witness or exhibit been made.

Sunnuds and other similar documents;

XIX. Every sunnud granted under the authority of the Regulations or with the sanction of Government, every certificate of heirship, executorship, or administratorship, and every certificate granted by a kazee in his official capacity, shall bear a stamp of the value prescribed for each respectively in Appendix (E).

also copies of decrees and official papers requiring authentication.

XX. Every copy of a decree of any judicial court [*except that of a commissioner*], every copy of judicial or revenue proceedings, of papers contained in any register, of statements, accounts, reports, and other documents of whatever description requiring to be authenticated by any public officer, and not being for public record for the use of Government or its officers acting in an official capacity, shall bear a stamp of the value prescribed for each respectively in Appendix (F).

Rescinded, see Sec. I. Reg. III. 1831.

In the documents specified in Chapter III., unstamped material may be added to the stamped.

XXI. Should the length of any of the documents mentioned in this chapter be such as to prevent its being comprised in one piece of the stamped material furnished by the venders, *unstamped* material may be added as required, provided that the several portions be firmly joined together, so as to resist future separation, and that, for the surer detection of the same if effected, the authority issuing or receiving the document shall affix his signature across each place of junction.

Modified by Cl. 2, Sec. I. Reg. III. 1828.

APPENDIX (A).

Appendix (A).

Form of oath to be taken by the Superintendent of Stamps.

I, A. B. appointed Superintendent of Stamps, solemnly swear, that I will diligently and faithfully execute the duties of the said office, according to the best of my knowledge and judgment; and that I will not directly or indirectly derive, or knowingly allow any person to derive, any pecuniary advantage or emolument from or on account of any matters relating to the said office, excepting such as may be expressly authorized by the Governor in Council.

See Act XXI. 1837.

So help me God.

Appendix (B).

Appendix (B).

Table showing the value of the stamp to be used for every bond, promissory note, bill of exchange, letter of credit, deed of contract, marriage settlement, partnership or agreement, security or engagement (with the exception of engagements and releases between Government or its officers and individuals, and leases and their counterparts, or other similar engagements relating to the rent of land passed between landlord and tenant, as specified in Section X. Clause Third), and for every deed of sale, gift, devise, mortgage, or other transfer or limited assignment of property, moveable or immoveable, of a value specified in such deed.

If for a sum or value not exceeding sixteen rupees, no stamp is required.

If for a sum or value above	Rs.		Rs. Anas.	the stamp required is of the value of	Rs. Anas.
	16	but not exceeding	32 0	... ...	0 1
	32	... ...	64 0	... ...	0 2
	64	... ...	125 0	... ...	0 4
	125	... ...	250 0	... ...	0 8
	250	... ...	500 0	... ...	1 0
	500	... ...	1,000 0	... ...	2 0
	1,000	... ...	2,000 0	... ...	4 0
	2,000	... ...	5,000 0	... ...	8 0
	5,000	... ...	10,000 0	... ...	16 0
	10,000	... ...	20,000 0	... ...	30 0
	20,000	... ...	50,000 0	... ...	50 0
	50,000	... ...	100,000 0	... ...	100 0
	100,000	to whatever amount	... ...	... ...	150 0

APPENDIX (C).

Appendix (C).

Table showing the value of the stamp to be used for every plaint and petition of appeal filed in a civil suit.

In original suits:

Rescinded by Sec. I. Reg. III. 1828.

[*If the plaint be for a sum or value not exceeding Rs.* 100, *no stamp is required.*]

In appeals, regular and special:

If the amount sued for or appealed against do not exceed one rupee, no stamp is required.

If it be above	Rs.		Rs. Anas.	the stamp required is of the value of	Rs. Anas.
	1	but do not exceed	2 0	... ...	0 2
	2	... ...	5 0	... ...	0 4
	5	... ...	10 0	... ...	0 8
	10	... ...	20 0	... ...	1 0
	20	... ...	30 0	... ...	2 0
	30	... ...	40 0	... ...	3 0
	40	... ...	50 0	... ...	4 0
	50	... ...	75 0	... ...	5 0
	75	... ...	100 0	... ...	7 0

In original suits, and appeals, regular and special:

If the sum sued for or appealed against be above	Rs.		Rs. Anas.	the stamp required is of the value of	Rs. Anas.
	100	but do not exceed	200 0	... ...	10 0
	200	... ...	300 0	... ...	20 0
	300	... ...	500 0	... ...	30 0
	500	... ...	1,000 0	... ...	50 0
	1,000	... ...	1,500 0	... ...	70 0
	1,500	... ...	3,000 0	... ...	100 0
	3,000	... ...	5,000 0	... ...	150 0
	5,000	... ...	7,500 0	... ...	200 0
	7,500	... ...	10,000 0	... ...	250 0
	10,000	... ...	15,000 0	... ...	350 0
	15,000	... ...	25,500 0	... ...	500 0
	25,000	... ...	50,000 0	... ...	750 0
	50,000	... ...	100,000 0	... ...	1,000 0
	100,000	to whatever amount	... ...	... ...	2,000 0

APPENDIX (D).

Appendix (D).

Table showing the value of the stamp to be used for every answer, reply, and rejoinder; every razeenama and vakalutnama; every application for examining, or for summoning and examining a witness, or filing an exhibit, for the revision of a decree, for a special appeal against orders issued either in the course of a suit or after the decree, or against orders issued in any other judicial proceeding, and generally every application filed in any suit, appeal, or judicial proceeding, not being of a criminal nature.

In original suits:

[*If the sum sued for do not exceed Rs.* 100, *no stamp is required for any pleading or paper filed.*] Rescinded by Sec. I. Reg. III. 1828.

In appeals regular and special:

If the sum sued for or appealed against do not exceed one rupee, no stamp is required for any pleading or paper filed.

	Rs.		Rs.	Anas.			Rs.	Anas.
If it be above	1	but do not exceed	25	0	the stamp required for each document filed in proportion to the value of	... ...	0	1
	25	... ...	50	0		... ...	0	2
	50	... ...	100	0		... ...	0	4

In original suits and appeals, regular and special:

	Rs.		Rs.	Anas.			Rs.	Anas.
If the sum sued for or appealed against be above	100	but do not exceed	200	0	the stamp required for each document filed in proportion to the value of	... ...	0	8
	200	... ...	500	0		... ...	1	0
	500	... ...	1,500	0		... ...	2	0
	1,500	to whatever amount	...			... ...	4	0

For every application for the revision of a decree, or for a special appeal against orders issued either in the course of a suit or after the decree, or against orders issued in any other judicial proceeding, and generally for every application, pleading, or vakalutnama filed in any judicial proceeding, not being an ordinary suit or appeal, regular or special, nor in the criminal department,

	Value of Stamp. Rs.	Anas.
In the court of an assistant judge	0	8
In the court of a zillah judge	1	0
In the court of Sudder Adawlut	2	0

Appendix (E).

Appendix (E).

Table showing the value of the stamp to be used for every sunnud granted under the authority of the Regulations, or by the sanction of Government, for every certificate of heirship, executorship, and administratorship, and for every certificate granted by a kazee in his official capacity.

	Value of Stamp. Rs.	Anas.
For every sunnud	10	0
For every certificate of heirship, executorship, and administratorship	4	0
For every certificate granted by a kazee in his official capacity ...	2	0

Appendix (F).

Rescinded by Sec. I. Reg. III. 1831.

Table showing the value of the stamp to be used for every copy of a decree passed in any judicial court [*except that of a Commissioner*] for every copy of judicial or revenue proceedings, of papers contained in any register of statements, accounts, reports, and other documents requiring to be authenticated by any public officer, and not being for public record, or for the use of Government or its officers acting in an official capacity.

Appendix (F).

For every copy of a decree in a suit or appeal:

		Value of Stamp. Rs.	Anas.
If the sum sued for or appealed against does not exceed Rs. 50		0	8
If it be above	Rs. 50 but do not exceed ... ... Rs. 100	1	0
	100 500	2	0
	500 1,000	3	0
	1,000 5,000	4	0
	5,000 to any amount	5	0
For copies of other papers requiring to be authenticated by any public officer, the stamp required is of the value of		0	8

the stamp required is of the value of

(REVENUE BRANCH.)

A.D. 1827. REGULATION XIX.

Reg. XIX. 1827.

CONSISTING OF SIX (6) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Rules for the Assessment and Collection of the Land Revenue, and Trial of Revenue Suits at the Presidency	I.
II.	Rules for the Collection of the Tax called "Market Fees" on Shops and Stalls, on beating the Battakee, on Country Music, and on the Erection of Wedding Sheds and other Places of Public Amusement	IX.
III.	Rules for levying a Tax on Houses on the Island of Bombay, situated beyond the Limits of the Town of Bombay, and on the Island of Colaba	XVII.
IV.	Rules for levying a Tax on Carriages and on Riding Horses on the Island of Bombay	XXIV.
V.	Rules for giving Notice to the Collector of Bombay of the Transfer of the Possession of Lands, Houses, or Tenements, subject to Quit or Ground Rents	XXIX.
VI.	Rules for levying Fees in the Court of Petty Sessions, and in the Offices of the Magistrates of Police	XXX.
	SUPPLEMENTS.	
	I. Regulation XXXII. 1827.	
	II. ——— X. 1833.	

A REGULATION *for the Presidency, prescribing Rules for the Assessment and Collection of the Land Revenue, and for Collecting Taxes on Shops and Stalls, on beating the Battakee or making Proclamation by the Crier, on Country Music, on Wedding Sheds and Places of Public Amusement, on*

Houses, on Carriages, and on Horses; for causing Individuals who may sell or transfer Houses or Tenements subject to Quit or Ground Rents to give Notice of the same to the Collector; and also for levying Fees in the Court of Petty Sessions and Police Offices: PASSED *by the Governor in Council, on the* 1*st of January*, 1827.*

Preamble.

WHEREAS it is expedient that the principles on which the land revenue at the presidency is assessed and collected should be defined and published: and whereas it has further been deemed expedient, under the authority of the British legislature for such purpose given, to levy certain taxes and fees at the presidency of Bombay;—the following Rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

RULES FOR THE ASSESSMENT AND COLLECTION OF THE LAND REVENUE, AND TRIAL OF REVENUE SUITS AT THE PRESIDENCY.

Appointment of the collector and his subordinate officers:

I. *First.* There shall be a collector of Bombay, for the purpose of collecting the land revenue of the presidency, and he shall have so many assistants and such other establishment as may be found necessary.

oaths of the collector and his assistants.

Second. The collector, and each of his assistants, shall, previously to exercising any of the functions of their offices, take before the Governor in Council the oath prescribed for revenue offices by 33 Geo. III. cap. 52, sec. 61.

See Act XXI. 1837.

Revenue officers, how amenable to the revenue judge.

II. The collector and his assistants and native officers shall, with respect to acts done by them in their official capacities, be amenable by civil prosecution to the jurisdiction of the revenue judge hereinafter constituted.

Assessment and levy of land revenue, how conducted.

III. *First.* The land revenue of the presidency shall be assessed and levied by the collector and his assistants, according to the principles laid down in Regulation XVII. A.D. 1827, Section III., the three first clauses of Section IV., Section V., and the first clause of Section VI.: the collector shall further be empowered to attach and sell by auction land on which revenue is due, equally with other property of the defaulter.

The collector has the decision on doubtful points, but its enforcement may be stayed for a period, unconnected with the limitation rules.

Second. The collector's decision upon any question arising out of the provisions contained and quoted in the preceding clause shall, unless superseded by the decree of the revenue judge, constitute the rule, and shall be acted upon accordingly; but if the said decision should involve any change in the practice previously prevailing, and the occupant should, previously to the full enforcement of the decision and within the period of thirty (30) days from the date when such decision was made known to him, pledge himself in writing to institute a suit before the revenue judge, for the purpose of trying the legality of the collector's decision, enforcement shall be stayed until the expiration of the above-mentioned period, after which it may take place, if there shall be no such suit on the part of the occupant before the revenue judge: but nothing herein con-

* It is enacted by Act VII. 1836, that the legality of acts done and levies made under this Regulation shall not be questioned in any court of law whatever; and further, that the provisions of this Regulation shall constitute the law for the collection of the several taxes herein enumerated, and for all the purposes for which it was passed.

tained has reference to the limitation of time for the institution of the suit, which is as prescribed in Chapter I. Regulation V. A.D. 1827.

Notice of the period when revenue is due, to be given: nonpayment met by attachment and sale of property, and by imprisonment;

IV. *First.* The collector shall cause public notice to be given to all occupants of land paying revenue, of the periods when the land revenue becomes due; and if subsequently to the said periods any occupant shall, for the space of twenty (20) days after demand of payment, fail to discharge the revenue due, it shall be lawful for the collector to levy the same by attachment and sale of the property of the defaulter, inclusive of the land on which the revenue is due: such sale shall be by public auction, and shall not take place until at least fifteen (15) days after notice given in the newspaper used for the publication of Government advertisements; it shall also be lawful for the collector, if the sale of the defaulter's property should not produce satisfaction of the demand, to apprehend and confine the defaulter in the civil gaol, under the rules in force at the presidency for the confinement of debtors; for which purpose a certificate of the demand under the collector's signature sent with the defaulter shall be the sheriff's sufficient warrant, equally with the usual legal process in ordinary cases of arrest in execution of judgment for debt; provided, however, that such imprisonment shall cease at any time upon payment of the sum due, and that it shall in no case exceed one day for each rupee of the said sum.

but proceedings stayed if a suit is instituted and certain security given.

Second. But if the alleged defaulter should, previously to the realization of the demand against him, institute a suit before the revenue judge to try its legality, all measures in execution of such realization shall be stayed pending the trial of the suit; provided that the alleged defaulter shall give security satisfactory to the collector or the revenue judge, that he will in the interim neither quit the jurisdiction, nor remove or transfer any of his property therein, without providing, to the satisfaction of one of the said authorities, for the execution of the decree.

Illegal exactions as revenue demands, or by revenue officers, punishable by forfeiture: recovered in the Supreme Court, and applied partly as redress and as reward to informers.

V. All undue exactions made under the colour or by the exercise of the authority of any land revenue officer, and the acceptance of any present by any person charged with any duty in the land revenue department towards the individual giving the same, shall be punishable by forfeiture not exceeding three (3) times the amount of the illegal receipt; such forfeiture to be recovered in His Majesty's Supreme Court of Judicature for Bombay by ex officio information there exhibited by the advocate-general or other principal law officer of Government: the amount recovered, after payment of all costs incurred in the recovery, being in the first place applied to the indemnification of the person from whom the illegal receipt was made, unless collusion in misconduct appear against him, and one half of the remainder, or of the whole (after payment of costs as aforesaid), when such indemnification is not made, being paid as a reward to the informer or informers.

The senior magistrate of police is revenue judge: his oath as such: Appendix (A).

VI. The senior magistrate of police in the island of Bombay shall be revenue judge at the presidency, and shall in that capacity, previously to discharging any of the functions of his office, take before the Governor in Council the oath contained in Appendix (A).

See Act XXI. 1837.

He decides suits on account of revenue or official acts of revenue servants;

fees on such suits;

rules for their trial,

and powers of the revenue judge for such purpose.

The revenue judge's decree how enforced, and when kept unexecuted.

VII. *First.* The revenue judge shall decide all suits brought before him by contributors to the land revenue at the presidency against the collector, or any person on his establishment, on account of land revenue, or of acts done in their official capacities by persons in the land revenue department of the presidency; the amount of each suit shall be fixed as prescribed in Regulation IV. A.D. 1827, Section III. Clause First, and an institution fee, amounting to one-twentieth of such amount, shall be levied. When a suit is instituted, the revenue judge shall proceed in all applicable cases according to Regulation IV. A.D. 1827, Section V. Clause Second, except that the period of thirty (30) shall be substituted for that of ninety (90) days, and in all other respects shall conform in the trial of the suit to the general rules contained in the above-quoted Regulation.

Second. In summoning and examining witnesses, the revenue judge shall possess the same powers as if he were conducting a criminal investigation as senior magistrate of police.

Third. The decree of the revenue judge, if it be against the collector, shall on the collector's responsibility be fulfilled, unless appealed from according to law under instructions from Government; if it be against the occupant, it shall be enforced by the collector, under Section IV. Clause First, as an established revenue demand; provided, however, that execution shall be stayed, if an appeal be made, and the security described in the second clause of that section be furnished.

An appeal lies to the Sudder Adawlut, and from thence to the King in Council.

VIII. The decree of the revenue judge shall be appealable as a zillah judge's original decree to the Sudder Dewanny Adawlut, and the decree of that court appealable to the King in Council, under the rules contained in Regulation IV. A.D. 1827.

CHAPTER II.

RULES FOR THE COLLECTION OF THE TAX CALLED "MARKET FEES" ON SHOPS AND STALLS, ON BEATING THE BATTAKEE, ON COUNTRY MUSIC, AND ON THE ERECTION OF WEDDING SHEDS AND OTHER PLACES OF PUBLIC AMUSEMENT.*

Quarterly assessment on shops and stalls, Appendices (B & C).

IX. [Assessment on shops and stalls how to be made and collected.] *Superseded by Sec. V. Act XI.* 1845.

Licenses for places of temporary amusement: measurement of ground required: certificate by the engineer: rate of assessment.

X. All persons desirous of erecting wedding sheds or other places of temporary amusement in or upon any part of the public streets or roads, shall apply for license to erect the same to either of the magistrates of police, who are hereby authorized and required to grant such license, unless they see good cause for refusing the same, and to direct the engineer officer attached to the Court of Petty Sessions to measure off and mark out the space of ground required, or so much of the same as they or either of them may think proper; and on the space of ground being so marked out and measured, the engineer officer is hereby required to deliver a certificate of the space so marked out and measured to the party obtaining the said license, and a duplicate of the same to the collector of Bombay; and the said collector is hereby authorized and

* For rules as to the appropriation of sums collected under this chapter, see Section vii. Act XI. 1845.

required to make an assessment upon each and every person enclosing such space so marked out as aforesaid, at the rate of five (5) rupees a night for every space not exceeding ten (10) square yards so taken in and enclosed, and for every such space exceeding ten (10) square yards, at the rate of one (1) rupee a night for every square yard so enclosed.

Penalty for occupying without license.

XI. Any person presuming to enclose any part of the public streets or roads, for the purpose of erecting a wedding shed, or other place of temporary amusement, without having previously obtained such license as aforesaid from one of the magistrates of police, and such certificate as aforesaid from the engineer officer, shall forfeit the sum of five (5) rupees a night for every square yard so enclosed, as a penalty; and any person taking in or enclosing a greater space of ground than what was marked out and measured off by the said engineer officer, and included in such certificate as aforesaid, shall be surcharged, and shall forfeit, as a penalty for the same, at the rate of five (5) rupees a night for every square yard so enclosed, which shall not have been so marked out and measured and included in such certificate.

License for using country music without doors.

XII. *First.* All persons desirous to use or employ country music without doors shall apply for a license in writing so to use or employ the same, to either of the magistrates of police, who are hereby authorized to grant such license, unless they should see good reason for refusing the same; the license shall be in the form of Appendix (D), specifying the number of days for which it is granted, and intimating moreover that it is of no effect until countersigned by the collector, in testimony of the payment of the fees imposed by Regulation on the use of country music.

Appendix (D).

Rate of assessment.

Second. All persons using or employing such music as above described shall be assessed at the rate of one (1) rupee a day, for the period specified in their licenses, and any person so using or employing such music without a license granted and countersigned as above, or for any period exceeding the number of days specified in such licenses, shall be liable to a fine of five (5) rupees for every day that such unlicensed music shall be so used or employed.

Penalty.

Licenses for public notices of sale, &c. Appendix (E).

XIII. *First.* All persons desirous of giving public notice by beat of battakee of the sale of any house, building, land, or other immoveable property, or of the sale of any goods or chattels, or of publicly offering or giving any other kind of lawful public notice by beat of battakee, shall obtain a license in the mode prescribed in the preceding section, in the form of Appendix (E), from either of the magistrates of police, and procure the counter-signature of the collector upon the same; and the collector, previously to affixing his counter-signature, shall levy the following fees upon each license respectively:—

Rate of assessment:

	Rs.	qr.	rs.	
For giving public notice, by beat of battakee, of the sale of any house, land, or other tenement, at the rate of -	2	2	0	For each notice.
For giving the said public notice of the sale of any goods or chattels, at the rate of - - - - - -	1	0	0	For each notice.
For giving the said public notice of any reward that may be legally offered, or for any other public notice, at the rate of - - - - - - - - - -	1	0	0	For each notice.

Penalty.

Second. Any person giving the public notice specified in the preceding clause without license granted and countersigned, as therein prescribed, shall be liable to a fine of rupees five (5) for every such offence.

Assessments, &c. leviable by distraint and sale,

See Act V. 1840.

XIV. *First.* All fines, penalties, and forfeitures incurred under this chapter shall be adjudged and determined, upon *oath*, by the collector, if he be a justice of the peace, and if not, then by any justice of peace acting within the presidency of Bombay; and in case of non-payment of any of the assessments, surcharges, fines, penalties, or forfeitures specified and become due by virtue of this or any preceding section in this chapter, for the period of eight (8) days after the demand of the same, then, upon proof upon *oath* that such assessment or surcharge has been duly made, or such fine, penalty, or forfeiture has been duly adjudged, and such demand made, and no appeal, as hereinafter allowed, made or entered in the Court of Petty Sessions, before the collector, if he be a justice of the peace, and if not, then before any justice of the peace (being the justice before and by whom the conviction is taken, in case of any fine, penalty, or forfeiture adjudged against any person), such collector or justice is hereby authorized and required to levy the same, on warrant under his hand and seal, by distress and sale of the offender's goods and chattels, and the overplus of the money raised, after deducting the amount due and the expenses of distress and sale, shall be rendered to the owner.

under warrant, Appendix (F).

Second. The warrant to be issued in levying by distress and sale shall be in the form contained in Appendix (F).

and finally imprisonment may be adjudged.

Third. And if distress and sale, authorized under the two preceding clauses, shall not be sufficient to effect the discharge of the amount due, it shall be lawful for the justice of peace aforesaid, upon proof thereof upon *oath*, to commit the defaulter to the gaol of Bombay, there to remain for a period not exceeding one calendar month; provided, moreover, that the defaulter shall at any time be released upon payment of the amount due.

Appeal to Court of Petty Sessions;

XV. Any person, who shall feel himself aggrieved by any assessment, surcharge, fine, or penalty demanded by the collector or imposed by any justice of peace, in pursuance of the provisions contained in this chapter, is at liberty to appeal to the Court of Petty Sessions, within eight (8) days after such demand, giving ten (10) days' notice of trial to the authority by whom the surcharge, fine, or penalty was demanded or imposed, and the said court is hereby authorized and required to affirm, reduce, or disallow such assessment, surcharge, fine, or penalty, according as it may think just and equitable, and at its discretion to order as to payment of the taxed costs of such appeal to be borne by either party; but if the above prescribed ten (10) days' notice of trial has not been given, the court shall dismiss the appeal, and confirm the assessment, surcharge, fine, or penalty demanded, and the determination of the court upon the appeal shall be final; and the justice of peace is hereby authorized and required to resort to distress and sale, and imprisonment, as aforesaid, for the purpose of levying the amount adjudged by the Court of Petty Sessions, or if no appeal has been duly entered, the amount demanded or imposed as aforesaid.

XVI. [Appropriation of the money collected.] *Rescinded by Sec. I. Act XI.* 1845.

CHAPTER III.

XVII. to XXIII. [Rules for levying a tax on houses, on the island of Bombay, situated beyond the limits of the town of Bombay, and on the island of Colaba.] *Rescinded by Sec. I. Act XI.* 1845.

CHAPTER IV.

RULES FOR LEVYING A TAX ON CARRIAGES AND RIDING HORSES, ON THE ISLAND OF BOMBAY.*

XXIV. *First.* [Rates of assessment.] *Rescinded by Sec. I. Reg. XXXII.* 1827.

Second. Exemptions from the above tax shall be allowed as follows:— Exemptions from the tax.

The number of four-wheel carriages on which assessment shall be chargeable shall not, though more should be kept, exceed half the number of horses kept for drawing them, except that for a fractional quantity the next higher integral number shall be substituted.

The number of two-wheel carriages on which assessment shall be chargeable shall not, though more should be kept, exceed the number of horses kept for drawing them, or half the number of bullocks kept for that purpose, except that, in the latter case, for a fractional quantity the next higher integral number shall be substituted.

Each military officer shall be allowed two riding horses exempt from assessment.

All carriages and horses employed by Government shall be exempt from assessment.

Such carriages and horses only shall be assessed as have been used on the public road during the quarter for which the assessment is made.

A person who may not have resided on the island of Bombay during the whole of the quarter for which an assessment is made shall not be included therein.

See Sec. II. Act XI. 1845.

XXV. *First.* The assessor shall, every quarter of a year, make a list in writing, of the number of horses and carriages assessable, according to the preceding section, in doing which he is empowered to demand from all persons, and all persons are enjoined to give to the assessor, an account of such carriages or horses as they may have possessed during the said quarter liable to assessment. Quarterly list of horses and carriages assessable:

Second. The owner of any horse or carriage, who may, by sale, or gift, or otherwise, divest himself bonâ fide of proprietary right in the same, shall, on making a statement in writing of the said divesture, with the date, to the assessor, on or before the next quarterly assessment, be allowed a proportional abatement in the assessment. abatement for any horse, &c. sold during the quarter:

Third. Any person convicted in the manner and before the authority penalty for false statement.

* For rules as to the collection and appropriation of sums collected under this chapter, see Sections vii. and xvi. Act XI. 1845.

specified in Section XIV. Clause First, for adjudging fines, penalties, and forfeitures, of wilfully giving a false account or statement of the matters mentioned in the two preceding clauses, shall be liable to a surcharge of quadruple the sum which the assessment on any carriage or horse mis-stated should have amounted to, according to the enactments of this Regulation, and the said surcharge shall be levied in the way fixed for levying the assessment in the succeeding section.

Appeals of overcharge how to be made to the Court of Petty Sessions, whose decision is final.

Fourth. Persons overcharged by assessment or surcharge may appeal to the Court of Petty Sessions within eight (8) days' notice of the same, giving ten (10) days' notice of trial to the assessor; which appeal the said court shall hear and determine, unless notice has not been given, in which case the court shall dismiss the appeal, and confirm the assessment or surcharge; and the determination of the court upon such appeal shall be final.

Duties of assessor to be performed by the engineer attached to the Court of Petty Sessions; punishment of opposition to the assessor, or failure to furnish information duly required:

XXVI. *First.* The engineer officer attached to the Court of Petty Sessions shall perform the duties of assessor, and shall make quarterly returns to the collector of land revenue of the number of carriages and horses assessable, and the amount and names of the owners respectively; and if any person shall wilfully obstruct the assessor, or any of his deputies, in the due execution of such office, or shall refuse or wilfully and unnecessarily delay to give the list required by Clause First of Section XXV. upon demand made under the authority of the assessor, he shall for such offence, upon conviction thereof on the *oath* of one or more credible witnesses before the Court of Petty Sessions, forfeit such sum as the said court may adjudge, provided it does not exceed the sum of one hundred (100) rupees, and such penalty shall be recoverable by distress and sale of the offender's goods and chattels in the usual manner.

mode of collection and levy by distress, and final resort to imprisonment.

Second. The collector shall receive the amount of assessment or surcharge, or may collect it by means of the officers of his establishment, as adverted to in Clause Second of Section IX. after receiving the return; and, in either case, if it be not paid within eight (8) days after demand, then, upon proof thereof, in the manner and before the authority specified in Section XIV. Clause First, the justice of peace before and by whom such proof is made is hereby authorized and required to proceed as further directed in Section XIV. in regard to the cases of nonpayment therein provided for.

See Sec. xvi. Act XI. 1845.

XXVII. and XXVIII. [Appropriation of amount collected to repair of roads.] *Rescinded by Sec. I. Act XI.* 1845.

CHAPTER V.

RULES FOR GIVING NOTICE TO THE COLLECTOR OF BOMBAY OF THE TRANSFER OF THE POSSESSION OF LANDS, HOUSES, OR TENEMENTS, SUBJECT TO QUIT OR GROUND RENTS.*

Notice of transfer of lands, &c. to be given to the collector within twenty days.

XXIX. Whenever the possession of any lands, houses, or tenements subject to the payment of quit or ground rents to Government shall be transferred, the person or persons transferring the same, and the person or persons to whom such possession shall be transferred, shall respectively cause notice thereof to be given to the collector of land

* See note in following page.

revenue in Bombay within twenty (20) days after such transfer shall be completed; and every person neglecting to give such notice, on conviction thereof in the manner and before the authority specified in Section XIV. Clause First, or by confession before the said authority, shall forfeit and pay the sum of ten (10) rupees; and in case such penalty shall not be forthwith paid, it shall be lawful for the justice of peace before whom the conviction took place to proceed as further directed in Section XIV. in regard to the cases of nonpayment therein provided for; and every person transferring the possession of such lands, houses, or tenements, without giving such notice, shall be liable, moreover, and under the same course of proceedings as in case of forfeiture, for such neglect, to the payment of the said quit and ground rents till such notice shall be given.

Penalty.

CHAPTER VI.

RULES FOR LEVYING FEES IN THE COURT OF PETTY SESSIONS, AND IN THE OFFICES OF THE MAGISTRATES OF POLICE.*

XXX. *First.* The following fees shall be levied in the Court of Petty Sessions, and in the offices of the magistrates of police on the island of Bombay.

Fees leviable in the Court of Petty Sessions and police offices.

	Rs.	qr.	reas.
For every complaint instituted, when filed in the office of a magistrate of police - - - - - -	0	2	0
For every complaint instituted, when filed in the Court of Petty Sessions - - - - - - - -	1	0	0
For summoning each party to answer before the magistrate - - - - - - - - -	0	1	0
For summoning each party to answer before the Court of Petty Sessions - - - - - -	0	2	0
For summoning each witness to attend in the office of the magistrate, and for each person *sworn*, if the fee for summoning has not been paid - - -	0	0	50
For summoning each witness in the Court of Petty Sessions, and for each person *sworn*, if the fee for summoning has not been paid - - - - -	0	1	0
For every voluntary affidavit - - - - - -	1	0	0
For granting each certificate to the commanders of ships, on their arrival at and departure from the port of Bombay, payable on the delivery of the *rôle d'equipage* of their vessels - - - - -	5	0	0
For every commission to a patel, mukaddim, or chougulla of a caste - - - - - - - -	1	0	0
For every passport issued by the senior magistrate to Europeans - - - - - - - - - -	2	0	0

Second. The above fees shall be levied from the party at whose instance the respective process or matter may be undertaken, which shall be with-

How to be levied, and in what cases remitted.

* For rules as to the appropriation of sums collected under these chapters, see Section vii. Act XI. 1845.

held until payment is made, unless the party be unable to defray the charge, or the magistrate or court, from some other cause, consider it inexpedient to demand it, in which case it shall be remitted; such remission, with the reasons for it, shall be entered in the complaint-book to be kept at the office.

By whom to be levied.

XXXI. *First.* The clerk of the Petty Sessions for the time being shall receive the whole fees above mentioned, and is hereby authorized and empowered himself to levy them, or to appoint at each office of police some proper person, who shall levy the sums taken in pursuance of the provisions of this chapter, and shall be accountable to him for all such sums.

Disposal, how to be made, and accounts, how to be furnished.

Second. The clerk to the Petty Sessions shall, half-yearly, on the 1st day of January and the 1st day of July, furnish the Court of Petty Sessions with an account of the fees levied for the half-year preceding, and pay the balance of such account into the hands of the *sub-treasurer, for the benefit of the county fund;* and the said clerk of the Petty Sessions shall lay the said accounts before the Governor in Council, or his Majesty's justices, whenever required.

See Secs. vii. and xix. Act XI. 1845.

APPENDIX (A).

(See Section VI.)

Appendix (A).

Form of oath to be taken by the revenue judge.

See Act XXI. 1837.

I, A. B., appointed revenue judge of Bombay, do solemnly swear that I will, in the adjudication of the suits brought before me for decision, administer justice faithfully and impartially, conformably to the Regulations, to the best of my ability, knowledge, and judgment, without fear, favour, promise, or hope of reward, and that I will not directly or indirectly derive, nor suffer any person under my control to derive, any emolument or advantages from my station, excepting such as the orders of Government do or may authorize.

So help me God.

(Signed) A. B.,
Revenue Judge.

APPENDICES (B and C).

Appendices (B & C).

(See Section IX. Clause First.)

[Rates of Assessment.] *Superseded by Section V. Act XI.* 1845.

APPENDIX (D).

(See Section XII. Clause First.)

Appendix (D).

Form of license for using country music without doors.

No.

The bearer, A. B., has permission, on procuring the counter-signature of the collector to this license, to use country music without doors, pursuant to Regulation XIX. A.D. 1827, Section XII., for the period of ——— days from this date.

(Signed) C. D.
Magistrate of Police.

Bombay Police Office, ———, 18—.

APPENDIX (E).

(See Section XIII. Clause First.)

Form of license for giving public notice by beat of battakee. Appendix (E.)

No.

The bearer, A. B., has permission, on procuring the counter-signature of the collector to this license, to give public notice by beat of battakee, pursuant to Regulation XIX. A.D. 1827, Section XIII., on the [here enter the date or dates when the notice is to be given], that [here enter the substance of the notice].

(Signed) C. D.
Magistrate of Police.

Bombay Police Office, ———, 18—.

APPENDIX (F).

(See Section XIV. Clause Second.)

Form of warrant for the levy of an assessment, surcharge, or fine, by distress. Appendix (F).

To [name of the person charged with the execution of the warrant].

Whereas, in conformity with the Regulation for the assessment of [here mention the object of assessment generally], A. B. was duly rated and assessed [or surcharged or fined, as the case may be] on account of [here enter, with such particulars as may be requisite, the precise object of assessment, surcharge, or fine, owned or used by the individual proceeded against, and, in the latter case, whether with or without license], for the period of ———, in the sum of rupees ———, being at the rate of ———, as prescribed by Section ———, Regulation XIX. A.D. 1827; and whereas it duly appeareth before me, that the said sum of rupees ——— has been lawfully demanded of the said A.B. for the space of eight (8) days past, and upwards, and that the said A.B. hath refused, and doth refuse, to pay the same: These are, therefore, to require you forthwith to make distress of the goods and chattels of him the said A.B.; and if within the space of eight (8) days next after such distress by you taken, the said sum, together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and, out of the money arising by such sale, that you detain the said sum of rupees ———, and also your reasonable charges of taking, keeping, and selling the said distress, rendering to him, the said A.B., the overplus (if any be) on demand; and you are hereby commanded to certify to me what you shall do by virtue of this my warrant. Given under my hand and seal, this —— day of ——, in the year of our Lord 18—.

Justice of Peace.

APPENDICES (G and H).

[Form of oath of assessor. Form of notice of his books being open for inspection.] Appendices (G & H).
Rescinded, with Sections XVIII. and XX. of this Regulation, by Section i. Act XI. 1845.

(REVENUE BRANCH.)

Reg. XX. 1827.

A.D. 1827. REGULATION XX.*

CONSISTING OF NINE (9) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Existing Enactments temporarily maintained in force in some Points with reference to the Presidency and Guzerat, and in others with reference to the Presidency alone, and in others extended to Guzerat and the Konkans	I.
II.	Of Establishments for collecting Sea Customs in the Territories subordinate to Bombay, and of their internal Management ...	IV.
III.	Rules regarding corrupt Breach of Duty by Native Officers in the Department of Sea Customs at Subordinates *...	XI.
IV.	Rules to be observed on the arrival of Vessels, and for Landing and Transhipping Goods at the Ports of Guzerat and the Konkans	XII.
V.	Of the registering and marking of Vessels in Guzerat and the Konkans, of Passes, and of the departure of Vessels from the Ports of the said Provinces	XX.
VI.	Of Sea Customs on Imports and Exports at the Ports of the Konkans...	XXVI.
VII.	Exemptions in favour of his Majesty's Navy, and regarding certain Public Stores to be observed in the Ports of Guzerat and the Konkans...	XXIX.
VIII.	Of the collection of Inland Duties...	XXX.
IX.	Rules for the Sea Custom Department for conducting Confiscations and levying Penalties incurred under this Regulation ...	XXXI.

SUPPLEMENTS.

I. Regulation	II. 1831	[Rescinded by Act I. 1838.]
II. ———	XIII. 1831	[Rescinded by Act I. 1838.]
III. ———	I. 1833.	
IV. ———	IV. 1833	[Rescinded by Act I. 1838.]
V. ———	III. 1834	[Rescinded by Act I. 1838.]
VI. ———	IV. 1834	[Rescinded by Act I. 1838.]
VII. ———	V. 1834.	[Rescinded by Act XIX. 1844.]

A REGULATION *for the Collection of Customs and Duties by Sea and Land, including Rules for the Control to be exercised by the Officers of the Marine and Sea Custom Department over Coasting Vessels and smaller Craft:—* PASSED *by the Governor in Council, on the 1st of January,* 1827.

Preamble.

WHEREAS it is expedient that rules should be provided and promulgated for the collection of customs and duties by sea and land, and for securing a due control over coasting vessels and harbour craft, and

* It is enacted by Act VII. 1836, that the legality of acts done and levies made under this Regulation shall not be questioned in any court of law whatever.

whereas various changes, which it is desired to introduce in the rates of customs, require, in conformity with the Statutes of the British Legislature, to be first sanctioned by the Court of Directors, and approved by the Board of Control, which circumstance renders it necessary to maintain in force for the present the existing rules for determining the rates of customs at the Presidency of Bombay and in the territories subordinate thereto, and the rules for the Sea Custom Department in general at the Presidency, with a few exceptions;—the following Rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

I. to III. [Existing enactments temporarily maintained in force.] *This Chapter and the enactments which it maintained in force were repealed by Section II. Act I.* 1838, *with the exception of the following, which are printed as an Appendix to this Regulation.*

Sections I. II. and III. Regulation VI. 1799.
Clause 2, *Section VII. Regulation IX.* 1800.
Sections XIV. XVII. XX. XXI. and XXV. Regulation I. 1805.
Regulation II. 1810.
Regulation VI. 1814.

CHAPTER II.

IV. to X. [Of establishments for collecting sea customs.] *Repealed by Section II. Act I.* 1838.

CHAPTER III.

RULES REGARDING CORRUPT BREACH OF DUTY BY NATIVE OFFICERS IN THE DEPARTMENT OF SEA CUSTOMS AT SUBORDINATES.

See Secs. lx. lxii. and lxiii. Act I. 1838.

Breach of duty in custom-house officers at subordinates punishable criminally as in land revenue officers:

XI. Any native officer employed in the collection of sea customs in the zillahs subordinate to Bombay, who shall be guilty of a wilful breach of the rules enacted for collection of sea customs, of levying duty on articles not chargeable therewith, or of unauthorizedly detaining goods, or exacting a fee or valuable consideration of any sort, or receiving any nuzzer or present, shall, besides dismission from office, be liable to punishment under the rules contained in Sections IX. and XI. of Regulation XVI., and in Section XVI. of Regulation XVII. A.D. 1827, relative to the mode of punishing native officers of the land revenue: the party aggrieved may also sue the offender in the proper Civil Court for damages.

and a civil suit may also be instituted.

CHAPTER IV.

XII. to XVIII. [Rules on the arrival of vessels, and for landing and transhipping goods.] *Repealed by Section II. Act I.* 1838.

Registers to be kept of all goods imported, whether liable to or exempt from duty.

XIX. A daily register shall be kept of the quantity and value of all goods imported, paying duty, and a separate register of all articles imported free of duty.*

CHAPTER V.

OF THE REGISTERING AND MARKING OF VESSELS IN GUZERAT AND THE KONKANS; OF PASSES, AND OF THE DEPARTURE OF VESSELS FROM THE PORTS OF THE SAID PROVINCES.

XX. XXI. [Registry and marking of vessels in Guzerat and the Konkan.] *Repealed by Sec. I. Act XIX.* 1838.

Goods must not be shipped without application for permission. *Appendix (H).*

XXII. Previously to any exportation of goods, permission must be obtained by application *made in the form contained in Appendix (H).*†

All vessels to deliver statement of their export cargo. *Appendix (I).*

XXIII. Every vessel of any description leaving a port subordinate to Bombay shall, previously to sailing, deliver at the Custom House an account of her export cargo, *according to the form specified in Appendix (I)*:† the officer in charge of the customs at the port shall, as soon afterwards as may be practicable, furnish to the commander the manifest of the export cargo, *according to the form in Appendix (E)*:† he shall also deliver the pass, if any be required, specified in *Section XXI.*: but these documents shall be withheld until the account of the export cargo has been delivered, or, if issued previously, and the vessel sail without delivering the said account, shall be deemed of no validity and effect. Rescinded by Sec. I. Act XIX. 1838.

Articles exported duty free to be registered as well as others.

XXIV. The provisions of Section XIX. relative to a register being kept of the quantity and value of all imports paying duty, and a separate register of all articles exempt from duty, are to apply equally to exports. Qy. Superseded by Sec. II. Reg. I. 1833.

Penalty where goods are attempted to be shipped without permit, or differing from those specified in the permit.

XXV. Goods attempted to be shipped without a regular permit, or goods differing from those specified in the permit, attempted to be carried away, or to be shipped under such permit, with a view of defrauding the revenue, shall be liable to confiscation.

CHAPTER VI.

XXVI. to XXVIII. [Of sea customs on imports and exports at the ports of the Konkans.] *Repealed by Section II. Act I.* 1838.

CHAPTER VII.

EXEMPTIONS IN FAVOUR OF HIS MAJESTY'S NAVY, AND REGARDING CERTAIN PUBLIC STORES, TO BE OBSERVED IN THE PORTS OF GUZERAT AND THE KONKANS.

Naval provisions and stores purchased by the Majesty's naval commissioner free of duty on export and import.

XXIX. *First.* Provisions and stores purchased in India by his Majesty's naval commissioner for the use of his Majesty's navy, and imported or exported at any port in the territories subordinate to Bombay, shall be exempted from duties; but this exemption is not to extend to provisions supplied by contractors.

* Rescinded by Act I. 1838, but retained here in consequence of the reference in Sec. xxiv.

† Repealed by Section ii. Act I. 1838; see Regulation I. 1833, and Section xxx. of that Act.

Second. Military, medical, or other territorial stores belonging to Government, are in like manner to be passed free through the custom department.

Military, medical, or other stores belonging to Government to be passed free.

Third. And in case of embarking or landing his Majesty's or the Honourable Company's military or marine stores or goods, it is hereby enacted, that the officer conducting such embarkation or disembarkation shall prepare a regular permit, to be authenticated by the collector of customs, or his assistant, or native officer should they be absent, as directed in Sections *XIV.* and XXII. of this Regulation; and this rule is to be applied in all particulars to public stores proceeding to stations in the interior.

Permit for public stores.

CHAPTER VIII.

XXX. [Of the collection of the inland duties.] *Repealed by Section II. Act I.* 1838.

CHAPTER IX.

XXXI. to XXXIII. [Confiscations and Penalties.] *Repealed by Section II. Act I.* 1838.

[APPENDICES A to C.]

Appendices (A to C).

Repealed by Section ii. Act I. 1838.

APPENDIX (D).

Section x. is repealed by Section ii. Act I. 1838.

(See Section X. Clause First.)*

Appendix (D).

List of Days on which the offices for transacting the business of the sea custom department in Guzerat, and the Konkans, may be closed.

If the office be at a Sudder station, or the officer in charge of it be of the Christian persuasion,

Sunday,
Christmas Day,
Good Friday,
New Year's Day.

Otherwise on such days only as the collector of sea customs may direct; which shall also be regulated by the Governor in Council, if sufficient cause appear.

[APPENDICES E to K.]

Appendices (E to K).

Repealed by Section ii. Act I. 1838.

APPENDIX.

NOTE.

The following enactments:

Regulation VII. 1799, *Sections I. II. and III.*
—— *IX.* 1800, *Section VII. Clause Second.*
—— *I.* 1805, *Sections XIV. XVII. XX. XXI. and XXV.*
—— *II.* 1810, *and*
—— *VI.* 1814,

forming part of the old code, were retained in force as part of the new code of 1827, *by Section I. Regulation XX.* 1827, *and were again specially reserved by Section II. Act I.* 1838. *They are therefore printed as an Appendix to Regulation XX.* 1827.

Reg. VI. 1799.

A.D. 1799. REGULATION VI.

A REGULATION *for enacting the existing Rules for the Collection of the Bombay Customs:* PASSED *by the Governor in Council, on the* 31*st December,* 1799.

I. The system now in force for the collection of the customs at the port of Bombay is principally founded on the Regulations passed by the Government of this presidency in the year 1795, in pursuance of orders dated in the year preceding, from the Court of Directors, to which have since been added various subsidiary rules, which are now reduced into form in the following clauses and sections, for the guidance of the proper officers, and the greater convenience of the public.

Bombay customs.

II. *First.* A custom-house is established at Bombay, for the collection of the customs on goods imported, under the rules hereafter prescribed.

To be levied by an officer, to be styled the custom-master of Bombay, who is to take an oath.

Second. The duties are to be levied by an officer, who is to be styled the "custom-master of Bombay." Previous to entering upon the duties of the office, he shall take and subscribe the following oath before the Governor in Council, or any person whom he may commission to administer it:— See Act XXI. 1837.

Oath.

"I, A. B., solemnly swear that I will faithfully discharge the duty of custom-master at Bombay; that I will not, directly or indirectly, by myself or others, be concerned in, or allow of, any collections being made, but such as are authorized by, and brought to the credit of Government; that I will not be concerned, directly or indirectly, in the purchase of any goods or commodities in the island of Bombay, or its dependencies, for the purpose of remitting money to Europe, nor in any commercial transaction; that I will not take or receive, or knowingly allow any other

person to take or receive, any present, gratuity, fee, or advantage whatsoever, on account of any matter relating to the duty of my office, excepting such as now is, or may be hereafter authorized by the Governor in Council: So help me God."

Third. The Bombay custom-house is to be open for the transaction of business every day, from half-past nine o'clock in the morning to five o'clock in the evening.

Custom-house to be open from half-past nine in the morning till five in the evening.

III. *First.* The following are the rules prescribed for the collection of the duties on imports.

Rules for the collection of the Bombay customs.

Second. On the arrival of every merchant vessel in the port, an officer of the custom-house will proceed on board with the following general printed requisition:—

An officer to go on board every vessel with a general printed requisition.

"The commanding officer of the ship or vessel just anchored will be pleased to fill the following blank report, for the information of the Honourable the Governor.

Form of requisition.

"Vessel's name?
"Of what nation?
"Commander?
"From what place did she commence her voyage for this port?
"When?
"At what ports, and when, did she touch upon her passage?
"Did she speak any, and what ships, and where, upon her passage?
"Any passengers, and who?
"Does she bring any, and what intelligence?"

Third. The above particulars being ascertained, a second requisition shall be sent in the following form:—

The first requisition being returned, a second to be sent.

"To the commander or supercargo of the ship ———.

Form of second requisition.

"Sir,—

"The Honourable the Governor in Council directs that, previous to any merchandise being allowed to be landed from your ship, you conform to the following requisitions:—

"You will be pleased to deliver into my office *your pass and other credentials concerning your ship, which shall be returned to you after they shall have been inspected by Government,* the name or names of your owner or owners, ship's burthen, and the port she last cleared out from.

Note.—If the ship is under English colours, the lines in italics are to be omitted.

See Sec. xxvi. Act I. 1838.

"Within twenty-four hours after your arrival, you will deliver into my office a true and perfect manifest of all goods and merchandise laden on board your ship, agreeably to the following form:—"

[Form of manifest.] *Rescinded by Section I. Regulation I.* 1833. *See Schedule C, Act I.* 1838.

"To this manifest you must subjoin an affidavit, in the following form, and execute it before a justice of peace.

Affidavit to be annexed to the manifest, and sworn to.

Form of affidavit.

"A. B., commander or supercargo of the ship C, maketh oath and saith, that the annexed manifest, to the best of his knowledge and belief, contains a true and just account of all goods and merchandise imported on the said ship C into the port of Bombay, and that the sums written oppo-

site to the articles on his account are the true and just prime cost. So help you God.

"Sworn to before me ———, this ———.

Goods landed not manifested liable to confiscation.

"You are also informed, that should any goods not contained in the foregoing manifest be landed, they will be liable to confiscation.

See Sec. xxvii Act I. 1838.

"I am, Sir, &c."

Manifest to be sworn to.

Fourth. The master or supercargo shall next proceed to swear to his manifest, before a justice of peace, and deliver it into the custom-house.

When the cargo belongs to different freighters, the commander or owner to frame a general manifest, and the freighters, or their agents, to attest their respective proportions in separate manifests.

Fifth. Commanders of country merchantmen, or their owners, previous to any merchandise being landed from them, must prepare a general manifest, in the form prescribed in *Clause Third of this section*, subjoining an affidavit in the following terms, according to the circumstances of the case.

"I, A. B., commander, C. D., owner, E. F. and G. H., agents for the freighters, J. K. and L. M., make oath and say, &c."

They are to present themselves before a justice of the peace, and attest their respective proportions of the cargo, and the prime cost thereof, and then to deliver in this manifest, so attested, to the custom-house.

Sixth. [Requisition to be sent to Commanders of the Company's chartered ships.] *Superseded by the abolition of the East India Company's commercial character, under the provisions of* 3 *&* 4 *William IV. cap.* 85.

Reg. IX. 1800.

A.D. 1800. REGULATION IX.

A REGULATION *for the Collection of the Customs at the Port of Surat:* PASSED *by the Honourable the Governor of Bombay, under date the* 18*th June,* 1800, *whilst at Surat in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, as far as related to the said City and its Dependencies, and thereafter confirmed by the Governor in Council, on the* 1*st August,* 1800.

Rules in respect to foreign European nations trading under firmauns.

VII. *Second.* With respect to the ships, vessels, and commerce of those European nations possessing firmauns from the Great Moghul, the same rules, precautions, and observances are to be followed in the department of the Phoorza as have hitherto obtained, as well in respect to their European as Indian commerce, adhering to the established practice in regard to each branch, the collector being attentive to report to Government, and to propose the correction of any abuse that experience may show to exist therein.

See Sec. vi. Act I. 1838.

A.D. 1805. REGULATION I.

Reg. I. 1805.

A REGULATION *for amending Regulation VI.* 1799, *and adding additional Rules for the Collection of the Bombay Customs:* PASSED *by the Honourable the Governor of Bombay, on the* 14*th May*, 1805.

Preamble.

I. REGULATION VI. 1799, being found to require amendment, and it becoming, moreover, necessary to add such further rules as experience has shown that Regulation not to comprehend adequate provisions for, the following additional sections are, for these purposes, accordingly enacted.

All bills for customs to be settled and paid at the custom-house.

XIV. *First.* All bills for duties to be settled and paid at the custom-house. And any officer, person or persons, employed in the custom-house office, who shall, in future, be found to take any papers from the custom-house to the office of any merchant or person whomsoever, to settle, alter, or correct, or for any other reason, shall immediately be dismissed from his situation, and rendered incapable of future employment.

Business at the custom-house to be transacted by principals or empowered agents.

Second. When principals do not personally attend to transact their own business at the custom-house, they are to do so through accredited agents; a rule which is to be understood to refer more especially to houses of agency and all mercantile firms, as well as to other houses of business generally, which are in the habit of frequent intercourse with this department.

All imports of treasure or pearls, and the like, to be opened and registered at the custom-house.

XVII. No treasure, bullion, or pearls, of any description, to be permitted to be imported or exported, but upon manifest by the importer or exporter; and all treasure, bullion, pearls, and jewels, as above imported, to be opened and examined at the custom-house, in order to enable the custom-master to send in correct returns of the same, agreeably to the orders of Government.

No goods to be purchased or received by the officers of the customs, at the time of such goods passing examination at the custom-house.

XX. No person belonging to the custom-house is to be permitted to take, under pretence of buying or otherwise, any goods whatever from any merchant in the custom-house, at the time of passing the goods, the existing system for the examination and inspection of such goods remaining in force.

Country small craft to deliver to regular accounts of their exports.

XXI. Dows, dingeys, botellas, and all other descriptions of small craft frequenting this harbour, shall, in future, prepare a regular account of their export cargo; and until this account shall be delivered, a clearance shall be withheld. In the event of any such vessels leaving the harbour without a clearance, the custom-master will report them to Government, stating who are the agent or agents for the same, and awaiting instructions thereon.

Regulations to be printed and translated.

XXV. The custom-house Regulations to be translated and printed in the Mahratta and Guzerattee languages, and to lie open for public inspection.

A.D. 1810. REGULATION II.*

Reg. II. 1810.

A REGULATION *for the Port of Bombay:* PASSED *by the Governor in Council, on the* 30*th of September*, 1810.

Preamble.

I. The variety of orders and provisions that have been made for the regulation of the port of Bombay since the first establishment of a marine and of a dockyard at this presidency, having been recently revised and collated, for the fuller information and guidance of His Majesty's and the Honourable Company's officers, and of the general mercantile interests of this settlement, and of the masters of all ships and vessels frequenting this port, the whole have been enacted into a Regulation, as follows:—

GENERAL RULES AND REGULATIONS NECESSARY TO BE OBSERVED BY THOSE WHO RESORT TO THIS PORT.

The master of every merchant ship to wait upon the superintendent.

II. *First.* After the arrival of every merchant-ship in this harbour, the master is, immediately upon his landing, to wait upon the superintendent of the marine with his log-book.

Ship's gunpowder to be landed.

Second. If a ship, having gunpowder on board, be anchored above the middle-ground, the master is immediately to apply to the commissary of stores at the arsenal, to receive it into his charge till the ship's departure from the port.

Gunpowder not to be received on board above the middle-ground.

Third. It is positively forbidden that any ship receive her gunpowder on board above the middle-ground, without the authority of Government.

Ballast not to be thrown overboard in the harbour.

Fourth. Ballast of any description is not to be thrown overboard in this harbour, under pain of the master or mate of the ship, who shall so dispose of the ballast, being deprived of his license and sent to Europe. A reward of ten rupees to be paid to informers who shall be able to substantiate any breach of this prohibition.

No European to be entered without the permission of the superintendent of the marine, or the town major.

Fifth. No European, not belonging to the crew when the ship imported, is to be entertained on board without permission, in writing, from the superintendent of the marine, if he be a seaman, or the town major, if he be a soldier.

No square-rigged vessel to enter or leave the port without a pilot.

Sixth. No square-rigged vessel, above fifty tons burthen, is to enter or leave this harbour without a pilot, with the exception of coasting-vessels, northward and southward.

If any ship lose an anchor, notice is to be immediately given to the master attendant.

Seventh. Should any vessel lose an anchor in this harbour, notice is to be immediately given to the master attendant, with the bearings of the anchor.

Ships not to have their jib-booms or sprit-sail yards out till they are ready for sea.

Eighth. Ships are not to have their jib-booms, spanker-booms, or sprit-sailyards out, till they are ready for sea, and the pilot goes on board.

No ship to be moved without the knowledge of the master attendant.

Ninth. No ship is to be moved, nor an anchor lifted, without the knowledge of the master attendant.

* This Regulation is retained in force by Section i. Act I. 1838; but the East-India Company's commercial character having been abolished by the provisions of 3 & 4 Wm. IV. cap. 85, such parts as relate to the Company's chartered vessels are superseded.

Tenth. It being an object of great public consideration to clear this harbour, as much as possible, of the anchors, &c., which have been lost in it in the course of years, to the obstruction, and sometimes to the danger of the shipping frequenting the port; as an encouragement to the zeal and activity that may be volunteered and employed on so material a service, whoever succeeds in recovering any anchors, grapnails, or other articles which may have been lost, is to receive the customary salvage as his reward.

Encouragement afforded to clear the harbour of anchors, &c. which have been lost.

INSPECTOR OF THE PORT.

III. *First.* On the 19th of August, 1799, a Regulation was passed for preventing foreigners of every description from landing at the presidency and its dependencies without permission from Government, the rules comprehended in Regulation II. 1799, are here republished, as follow:

Second. No foreign vessel is to be brought above the ground till the inspector shall arrive on board; nor any person whatever permitted to disembark from any foreign vessel, until such vessel shall have been inspected by the proper officer, and regular permission, in consequence, obtained.

Every foreign vessel to anchor below the ground till the inspector shall arrive on board, and to be inspected previously to any person being permitted to disembark.

Third. For this purpose, official notice (according to the annexed form), under the signature of the secretary to the Government, is to be despatched to all foreign vessels, on their approach to this harbour, informing their commanders of the foregoing resolution, and requiring them to prepare lists of their passengers and ships' companies for delivery to the inspecting officer, which list shall, if required, be authenticated by the affidavit of the commander and senior officer of each vessel respectively.

Official notice, under the signature of the secretary to Government, to be despatched to all foreign vessels.

FORM.

"Sir,—1st. You are hereby informed of the resolution of the Governor in Council, that no person will be permitted to land from your vessel until she shall have been duly inspected by an officer appointed for this purpose; you are, therefore, to prepare a muster-roll of your ship's company, and of the passengers on board, which roll, under the signature of yourself and of your chief officer, shall be delivered to the inspecting officer, and shall, if required, be attested on oath before a magistrate.

Foreign vessels to deliver in muster-rolls of their ship's companies and passengers to the inspecting officer.

"2nd. The inspecting officer is authorized to examine your crew and passengers, according to the roll, which is to contain the names of each person on board, the time of their entry, the time and place of their embarking, their country, and the station or character of each. To this roll you are to add the names of all places at which your vessel may have touched during the voyage.

The inspecting officer to examine crews of foreign vessels.

"3rd. Until you shall have complied with this order, you will not be permitted to have communication with the shore; and upon your landing, you are to pay strict obedience to the printed Regulations, which you will find at the office of the superintendent of marine, in failure of which your ship will not be admitted to any entry at any British port in India."

Captain of a foreign vessel not to be permitted to come on shore before he conforms to the orders as above mentioned.

Fourth. A vessel is to remain constantly stationed in the mouth of the harbour to communicate, according to these Regulations, with every ship under foreign colours, which may be entering, and to enjoin her to anchor until the inspecting officer shall come on board and make the necessary

A vessel to remain stationed in the mouth of the harbour, to communicate with every foreign vessel which may be entering, and

to enjoin her to anchor until the inspecting officer arrive on board.

A guard-boat to remain alongside of each foreign vessel importing to this harbour.

The inspecting officer to examine and muster the crew and passengers of any foreign vessel coming into this harbour.

The inspecting officer after being satisfied that no suspicious person is on board a foreign ship importing, to authorise the pilot to bring the ship to her moorings.

Guard-boat alongside a foreign ship not to allow any person to quit the ship, or proceed on board of her, till ordered so to do.

After the superintendent being satisfied with the report of the inspecting officer, to authorise the removal of the guard-boat.

inquiries; and a guard-boat is to remain alongside of each foreign ship thus importing until removed by the proper authority, and while there to prevent any boat whatever from either getting on board of her from the shore, or from proceeding to the shore from the ship.

Fifth. On the strange ship anchoring as above, the inspecting officer is to proceed on board, and to examine and muster the crew and passengers, according to the lists which shall have been prepared, under the signature of the commander and that of the senior officer.

Sixth. If, on this muster, and such further examination as the inspecting officer shall deem necessary, he shall not observe any suspicious persons to be on board, he is to authorize the pilot to bring the ship to her moorings, and to return to the shore with his report to the superintendent of marine, enjoining the guard-boat alongside to exert its utmost vigilance, in preventing any person from quitting the ship, or proceeding on board of her.

Seventh. In case the superintendent be satisfied with the report of the inspecting officer, he shall authorize the removal of the guard-boat, and the necessary communication with the ship; if not, the guard-boat is to remain, and a report to be made by him to the Honourable the Governor.

Upon the removal of a guard-boat from alongside any foreign ship, notice to be given by the superintendent to the custom-master.

Eighth. Upon the guard-boats being removed from alongside any foreign ship importing in the manner specified in the preceding section, written notice thereof is to be immediately transmitted by the superintendent to the custom-master, with such orders, and under such regulations, as relate to his department.

Guard-boat to report to the inspecting officer any violation of these regulations.

Ninth. The guard-boat is to report to the inspecting officer any violation of those Regulations which may be persisted in by any person or persons, and detain such boat as he or they may be on board of, until he receives his orders on the subject.

Such of the officers and crew of any foreign vessels as may intend to reside on shore, to be furnished, if no objection occur, with a certificate of such permission having been granted.

Tenth. The captain or supercargo of every foreign ship importing into this harbour shall, immediately on their landing, deliver in to the office of the superintendent of police a list of such of the officers and crew as it is intended shall reside on shore during the ship's stay; who, if he sees no objection, shall thereon grant to each a printed certificate of their being permitted to remain on shore, taking thereon the instructions of the Governor, as from time to time may prove necessary.

See Sec. xii. Reg. XIX. 1827.

Forms to be observed in respect to the pass to be granted to such of the crew as may have occasion to be on shore.

Eleventh. The captain or supercargo shall further leave at the police office a paper, with the signature of such officers of the ship (not exceeding three on board of each), whose authority shall, when countersigned by the superintendent of police, be a sufficient pass for such of the crew as may have occasion to be on shore, for a time only, which time is to be signified in the pass.

Persons found without a pass to be apprehended, and kept in custody by the superintendent of police, all charges being defrayed by the captain or supercargo.

Twelfth. All seamen and others belonging to foreign ships, and suspicious persons in general, not in possession of either a general or temporary pass, as above, to be apprehended by the superintendent of police, and kept in custody, the captain or supercargo of the ship being charged with all expenses attending their seizure and detention.

All passes to be registered in the police-office.

Thirteenth. A register to be kept in numerical order, for each month, in the police office, of all passes granted for the purpose of reference.

Foreign European seamen not to be suf-

Fourteenth. Orders to be issued at the gates, and at the stations of

other military guards, to prevent all foreign European seamen from passing or landing on the island, unprovided with a pass, countersigned by the superintendent of police.

Fifteenth. If at any time the superintendent of police shall see cause to suspect persons thus landed of improper intentions, he is to apprehend and detain the same, and make report thereof to the Honourable the Governor.

Sixteenth. No commander of a foreign ship shall entertain on board any person, either as a part of the crew or as a passenger, without a permit from the superintendent of marine, who is to act, in granting the same, under the orders and sanction of the Governor.

Seventeenth. When any foreign ship is about to depart from this port, the inspecting officer shall, previous to the embarkation of her commander, repair on board, and muster and examine the crew, according to the lists furnished on her first importation, and examine the officers and crew as to such casualties as may have been reported during the continuance of the vessel in port, and require the permit from the superintendent of marine for shipping such additional men or passengers as he may find on board.

Eighteenth. In cases which shall appear to require it, the inspecting officer shall search any foreign ships under suspicious circumstances, and is, upon all occasions, after his first inspection shall have been completed, to station a guard-boat alongside of every foreign vessel, to prevent communication with the shore until she may sail out of the harbour.

Nineteenth. After the inspecting officer has made his final muster and examination of any foreign ship about to depart, a guard-boat is to be stationed alongside of her, and no person is to be allowed to go on board of her without a pass from the superintendent of marine.

Twentieth. As soon as the superintendent of marine shall have been satisfied, by the report of the inspecting officer, that these Regulations have been complied with, he shall countersign the ship's port-clearance as the authority for her departure, as far as regards his department.

Twenty-first. An immediate report to be made by the superintendent of marine of any foreign ship which may sail from the harbour without the regular port-clearance; and the cruizer in the mouth of the harbour, upon an agreed signal from the light-house, is, as far as possible, to prevent any such ship from leaving the harbour without a pilot.

Twenty-second. The officer in command of the vessel stationed at the mouth of the harbour shall send one of his guard-boats with an intelligent person to inspect all dows, dingeys, or other vessels of that description coming into this harbour, which person shall inquire of the nagudah or craney what passengers, or if any Europeans whatever be on board, and shall carefully examine such vessel, and if satisfied that no improper or suspicious passenger, or other person, is concealed therein, shall allow such vessel to proceed up the harbour; but otherwise to detain her until a report can be made to the superintendent of marine, who will thereon act as he may deem necessary, reporting his proceedings to the Governor, and acting thereon as the latter shall direct.

Twenty-third. No European foreigner, or even British subject, shall, on any account, be discharged from any ship under English colours without

fered to pass the gates or any military guard without a passport from the superintendent of police.

Superintendent of police to apprehend suspicious persons of the above description, and report to the Governor.

Commanders of foreign ships restricted from receiving any person on board as a part of the crew, or a passenger, without permission.

Previous to the embarkation of any commander of a foreign ship about to depart, the crew to be mustered by the lists furnished on her importation.

The intermediate casualties to be inquired into, and the marine superintendent's permission required for filling them up.

Foreign ships under suspicious circumstances to be inspected, and, after the first search has been completed, a guard-boat to be stationed alongside, to prevent communicating with the shore.

After the final inspection and muster is made, no person to be permitted to go on board.

The superintendent of marine, when authorised by the report of the inspecting officer, is to countersign the ship's port-clearance, as a permission for her to depart.

The superintendent of marine immediately to report any foreign ship which may sail without a regular port-clearance, &c.

Dows and dingeys to be examined by the inspector of the port.

To inquire what passengers, or if any Europeans are on board.

Such dow, &c. to be allowed to proceed up the harbour, if no suspicious circumstances arise; but otherwise to be detained till report shall be made to the superintendent of marine.

No European to be discharged from a ship without the permission

of the superintendent of marine.

the permission of the superintendent of marine; and when that permission has been granted, the discharged man is to be sent to the office of police, in order to have his name registered there, and a proper passport granted to him, as in the case of the seamen of foreign ships.

Correct lists of the ship's company and passengers to be delivered to the inspector of the port.

Twenty-fourth. All merchant ships, whether English or foreigners, without distinction, shall, on their arrival, deliver in correct lists of their ship's company, and of all other persons who shall be on board, to the inspector of the port, who is to re-examine such lists on the departure of these ships respectively, and to report to the superintendent of police how many of the European part of such crew do re-embark, and what has become of the remainder; which returns are to be regularly submitted by the last-mentioned superintendent to the Governor, who, after being satisfied thereon, is to direct the superintendent of police to write to the custom-master accordingly, till which the vessel's port-clearance is not to be granted: the object of this Regulation being to prevent foreign or British subjects improperly remaining on shore behind the ship that brought them, which, besides other inconveniences, has frequently entailed undue expense on Government.

Port-clearance not to be granted till the absence of any persons forming part of the crew upon the ship's arrival is satisfactorily accounted for.

Europeans not in the service of his Majesty, or the Honourable Company, landing from the Mahratta country at any of the bunders, to be detained at the Custom-house.

Twenty-fifth. Europeans not in the service of his Majesty or the Honourable Company, landing from the Mahratta country at any of the bunders under the custom-masters of Bombay, Mahim, Salsette, or Caranja, are to be detained at the custom-house, until a report can be made to the Governor of the name, nation, profession, and reason of the party for visiting this island, unless such European shall be furnished with a pass from the Honourable the Governor, the resident at Poonah or Hyderabad, or some person authorized to give such a pass, in which case he is to be sent to the police, where his name is to be registered.

No European of the foregoing description to be allowed to go off at any of the bunders without a pass regularly granted by the local authorities.

Twenty-sixth. Nor is any European of the foregoing description to be allowed to go off at any of the said bunders without a pass regularly granted by the local authorities, who now are, or may be hereafter authorized by Government to issue them.

White flag hoisted at the superintendent's office is a signal that the foreign ship may proceed up the harbour.

A red flag hoisted at the superintendent's office is a signal that the foreign ship is not to proceed up the harbour.

Twenty-seventh. In the event of the officer piloting a foreign ship into this harbour, being one of the inspector's department, he is to send a written report on shore; and upon receipt thereof, a white flag at the flag-staff at the superintendent's office will be a signal that the report from the foreign vessel just arrived is satisfactory, and that he may proceed up the harbour; but, if the report be not satisfactory, a red flag will be hoisted, upon which the ship must be anchored, and the superintendent will represent the circumstances of the case to the Governor.

PORT CLEARANCES.

Form to be observed and documents to be produced on applying for ship's port-clearances.

IV. *First.* No port-clearance for any ship or vessel to be granted until the following documents shall be produced at the custom-house, by the person applying for the clearance.

Second. [Certificates from the marine storekeeper and paymaster required.] *Superseded by Section XV. Act XIX.* 1838.

A letter from the secretary to Government.

Third. A letter from the secretary to Government that a list of Europeans on board find been delivered, and that Government are satisfied therewith, and that the captain and officers have executed the necessary covenants.

A list of passengers.

Fourth. A list of passengers: and should there be none, it must be so noted on the port-clearance.

Fifth. An account of their export cargo.

An account of the export cargo.

Sixth. The ship's pass, which must be in every respect satisfactory.

Ship's pass.

Seventh. A letter from the superintendent of police, signifying that the Honourable the Governor has not any objection to the port-clearance being granted.

A letter from the superintendent of police.

Eighth. When commanders of vessels shall have conformed to the rules proscribed to them in the clauses of the preceding section, the custom-master shall then grant a port-clearance to them in the usual form.

When all the forms have been gone through, the custom-master to grant a port-clearance,

Ninth. The custom-master's port-clearance to all ships or vessels is to be countersigned by the superintendent of marine, in testimony of all the regulations regarding his department having been duly observed, and as an authority for her departure.

which is to be countersigned by the superintendent of marine, as an authority for her departure.

Tenth. If any merchant vessel shall sail out of this harbour without a clearance, the commander will be considered to have forfeited the Honourable Company's license and be sent to Europe.

Merchant-vessels sailing without port-clearance, the commander will be considered as having forfeited the license.

Honourable Company's

Eleventh. In order to prevent the bunder pier and custom-house area from being lumbered in the fair season, goods which shall be landed there shall not be permitted to remain longer than twenty-four hours.

Goods lodged in the bunder pier, and in the Custom-house area, not to remain longer than twenty-four hours.

RECEIPT AND DELIVERY OF BALLAST.

V. *First.* Applications to be made for the quantity of ballast required, in writing, to the superintendent, forty-eight hours prior to the time it may be wanted, which will be entered in a register at the office, in which register priority of application will be attended to.

Applications for ballast to be made in writing to the superintendent.

Second. No ship or vessel is, on any account, to hoist a signal for ballast, until directed by the superintendent or his assistant.

No ship to hoist a signal for ballast until directed by the superintendent.

Third. All signals to be hoisted on a topgallant-mast, or a flag-staff at the main-topmast head.

Signals to be hoisted on a top-gallant-mast.

The first ship, or No. 1, to hoist a large red flag.
The second do., or No. 2, do. white do.
The third do., or No. 3, do. blue do.

Fourth. It is presumed that three ships, during the monsoon, are as many as can be attended to, and in the fair season the number may be increased.

During the monsoon, three ships will be attended to.

Fifth. As soon as any ship has completed her ballast, the signal to be struck, and immediate notice thereof sent to the superintendent's office, when the ship next in rotation will be instructed to hoist the appointed flag.

As soon as any ship has completed her ballast, the signal to be struck, and immediate notice thereof sent to the superintendent.

Sixth. When any ship has struck her signal, the other two are to alter their flags without further notice. For example, if the red flag be hauled down, let the white be shifted with the red, and the blue with a white. A very small degree of attention on the part of the officers on board will render this a simple method; and it may be hoped it will prove efficacious.

When any ship has struck her signal, the other two to alter their flags.

Seventh. The contractor will be instructed to order the boats first to the red flag, and so in rotation; and it is expected that boats be unladen with all possible expedition, and in the following manner; viz. the crew of the boat are to hand up or deliver the ballast from the boat to the first or lowest stage or grating, from whence the ship's crew are to receive it and deliver it into the ship. Any ship delaying is to lose her turn; and should more boats be alongside than can be quickly discharged, some will proceed to the white and blue flags.

The contractor to be instructed to order boats first to the red flag, and so in rotation.

The contractor to make his bills from the officer's receipts.

Eighth. The contractor is to make his bills from the officer's receipt, which the commanders must abide by, as any number of boat-loads may be weighed on board.

The bills and vouchers to be sent to the superintendent's office.

Ninth. The bills and vouchers are to be sent to the superintendent's office for his or his assistant's counter-signature.

Contractor to report every morning what ballast, and how disposed of on the preceding day.

Tenth. The contractor is to report every morning, in writing, at the office, what ballast, and how disposed of on the preceding day.

Contractor to be under the control of the superintendent and his assistant.

Eleventh. The contractor is to be under the control of the superintendent and his assistant, and of those officers only, unless when appeals are made to the Honourable the Governor in Council; and that such appeals may be avoided as much as possible, owners and commanders are requested to apply to the superintendent, when they deem themselves aggrieved, and he will endeavour to see justice done.

The contractor must be forced to pay his penalties in case of neglect.

Twelfth. The contractor will, most assuredly, be forced to pay his penalties, and forfeit his contract, in case of wilful neglect or inattention; but, for unavoidable failures, the superintendent will make due allowance.

Ballast not to be supplied to the shipping in this harbour by any other individual than the contractor.

Thirteenth. Ballast is not to be supplied to the shipping in this harbour by any other individual than the contractor, without the express permission of the superintendent.

When a commander may be desirous to discharge his ballast, contractor to remove it in his own boats.

Fourteenth. When a commander may be desirous of discharging his ballast, the contractor, upon application, will remove it in his own boats.

Charges for ballast.

CHARGES.

In the dry season ...	...	Rs. 3	0	14 per ton.
In the rainy season	...	3	2	14

WATER.

Application for water to be made to the boat-master.

VI. *First. Application to be made, in writing, to the boat-master for* the quantity required. If in bulk (which will be supplied in the Honourable Company's tank-boat), or if the ship's casks are to be filled, the number and size must be specified.

Expenses for water.

Second. There are three tank-boats, with the following contents; and the charges are as annexed, viz.—

No. 1, 4,032 gallons	...	...	Charge Rs.	48
No. 2, 5,040 do.	...	...	do.	60
No. 3, 3,780 do.	...	...	do.	45

If a vessel's casks are to be filled, the charge is a rupee per ton.

DOCKS.

Application for docking a vessel to be made to the superintendent of marine.

VII. *First.* When a vessel requires to be docked, application must be made by the commander to the superintendent of marine, who will direct her name to be entered in a book; and priority of application will always be attended to unless the ships of his Majesty or the Honourable Company intervene.

After application has been made, implicit attention to be paid to the master-attendant's directions.

Second. After application has been made for a dock, implicit attention is to be paid to the directions of the master-attendant, or his assistant, for the preparation of the ship to be docked, or in failure thereof, the benefit of the dock will be withheld.

Crew of a ship coming into dock must be previously disposed of.

Third. The crew of a ship coming into dock must be previously disposed of, as they will not be permitted to remain on board while the ship is in dock.

Fourth. While a ship is in dock, no articles of weight are to be received on board without permission from the master-attendant.

While a ship is in dock, no articles of weight are to be received on board.

Fifth. When it is necessary to haul a ship out of dock, the master-attendant's orders for lightening her, by removing what she may have on board, or for putting on board more ballast, if necessary, are to be implicitly obeyed.

Master-attendant's orders to be implicitly obeyed by the ships hauling out of dock.

Sixth. Dock-hire for the first springs ... ... Rs. 450
Foreigners to pay for ditto 600
For each of the subsequent springs 350
Foreigners ditto 500

Expenses of docking.

DOCK-YARD REGULATIONS.

VIII. *First.* At daylight, the wickets of the gates are to be opened.

The wickets of the dockyard to be opened at daylight.

Second. At seven A.M. the centre gate is to be opened, and the bell rung to call the artificers to work; and at half-past seven the gate is to be shut, and the wicket left open.

At 7 a.m. the centre gate to be opened, and bell rung, to call the artificers to their work.

Third. At noon, the bell is to be rung, as a signal for the artificers to go to dinner, and the gate is to be opened for their egress; at half-past twelve, the gate is to be shut, the wicket being left open.

At noon the bell to be rung for the artificers to go to dinner.

Fourth. At two P.M. the bell is to be rung for the artificers to return to work, and the gate is to be opened for their ingress; at half-past two, the gate is to be shut, the wicket being left open.

At 2 p.m. the bell to be rung for the artificers to return to work.

Fifth. At sunset, the bell is to be rung, and the gates opened for the departure of the artificers; and, half an hour afterwards, the gates are to be shut, the wicket of the centre gate being left open till the evening gun be fired.

At sunset the artificers to depart.

Sixth. By the foregoing Regulations, half an hour after the ringing of the bell has been allowed for the artificers to come to their work, the master-attendant is to take especial care that such artificers as exceed that time, before they present themselves to the mustering purvoe, are checked for their pay on the day on which they shall so exceed, unless they shall give satisfactory reasons to the master-attendant of the cause of their absence, which reasons are to be recorded and reported, to assist in the passing of their wages for the month.

Half an hour to be allowed to the artificers to come to their work.

Seventh. Although it is to be generally understood that these rules are not to be dispensed with but in cases of necessity, yet it will always be at the discretion of the master-attendant to open the gates for any purpose which he may think proper.

In cases of necessity, the gates should be opened.

Eighth. They are to be opened when the Honourable the Governor thinks proper to visit the yard, or for the admittance of the members of Government, or of ladies.

The gates to be opened when the Governor thinks proper to visit the yard.

Ninth. They are to be opened likewise when it rains, or when timber and plank, or any articles which cannot be passed through the wickets, are to be conveyed into, or out of the yard.

They are to be opened when it rains, or when timber and plank are to be conveyed into or out of the yard.

Tenth. No boats, besides those attached to the marine department, are permitted to come to the dockyard stairs, but the following: those belonging to His Majesty's navy, the admiral or the captains in them; the boat of the naval commissioner; those belonging to the Honourable Company's cruizers, having the captains or commanders in them; *those belonging to the Honourable Company's chartered ships, having the com-*

No boats to be permitted to come to the dockyard-stairs.

manders in them; or boats of the navy or the Honourable Company's marine, for the express purpose of drawing small stores. The boats of His Majesty's ships, and of the Honourable Company's marine, for all other purposes, and all other boats whatsoever, must use the pier expressly constructed for their accommodation, or the bunder-pier, as may be found convenient.

Meat or stores not to be passed through the dockyard.

Eleventh. Neither meat nor stores for the shipping, of any description (with the exception above mentioned), are to be passed through the dockyard, the new pier or the bunder-pier being adequate for such purposes.

No baggage to be carried through the yard.

Twelfth. No baggage or stores are to be carried through the yard by any other than the crews of the ships and vessels, except with an order from the Honourable the Governor, his excellency the admiral, the commanding officer of the forces, the superintendent of marine, the master-attendant, or the town major; and all baggage and stores so passed are to be accompanied by a certificate from the officer to whom they belong.

No person to be allowed to enter the dockyard after the firing of the evening gun.

Thirteenth. After the firing of the evening gun, nobody belonging to the ships in the harbour, below the rank of a commissioned officer, is to be allowed to land or enter the dockyard without the express permission of one of the authorities above mentioned.

Boats' crews not to be permitted to quit their boats at the stairs.

Fourteenth. Boats' crews are not to be permitted to quit their boats at the stairs after the hour of shutting the gates.

Small craft not to deliver firewood, &c. within the yard limits.

Fifteenth. Small craft are not to deliver firewood, or any other lading, within the limits of the yard, without the superintendent's sanction.

Vessels in dock not to land any lumber on the pier.

Sixteenth. The ships and vessels in dock are not to land any lumber whatever on the pier.

No cargo to be landed in the yard.

Seventeenth. No cargo of any description is to be landed in, or passed through the yard, from or to any ship in dock, without the superintendent's permission in writing.

No fire or light to be allowed on board a ship in dock.

Eighteenth. No fire or light is allowed on board any ship or vessel in dock, without the authority of the superintendent, to whom the purposes for which either may be required must be stated in writing.

No palanquins to remain in the yard.

Nineteenth. No palanquins are to remain in the yard without the permission of one of the authorities before mentioned.

Natives not to be allowed to enter the dockyard.

Twentieth. Natives of every description, not engaged in the service of the yard, or of His Majesty's and the Honourable Company's ships and vessels, or concerned in the ships under repair, are to be excluded from the dockyard.

When any signal of distress be made, the dock-gates to be opened.

Twenty-first. If any fire should happen, or any signal of distress be made on board a vessel in the harbour, the yard-bell to be rung, and the dock-gates are to be thrown open, that every assistance from the shore may be conveyed to her.

The gates to be open when a ship is either coming in or going out of the dock in the night.

Twenty-second. When a ship is either coming into or going out of dock in the night, the gates are to be opened for the master-attendant's and builder's people to pass.

Tindals of bunder-boats to be permitted to pass.

Twenty-third. The tindals of the bunder-boats, having any reports to make on service, are to be permitted to pass.

The builder may desire the sentries to allow country boats to quit the dock stairs with artificers, &c.

Twenty-fourth. When the builder is repairing any ships afloat, he may, on his own authority, desire the sentries to allow country boats to quit the dock stairs, with artificers, planks, tools, &c.

PILOTAGE AND TRANSPORTING.

IX. *First.* A pilot proceeding down the harbour to importing ships is invariably to go on board of the headmost. Pilotage in respect to ships entering the harbour.

Second. A pilot conducting a vessel out of the harbour, and seeing another signalled at the lighthouse, is, upon quitting the ship he takes out, invariably to repair on board the ship coming in, if she have not a pilot on board.

Third. A pilot is not to quit a ship, after bringing her into the harbour, until she be safely moored, or he relieved.

Fourth. The following are the charges for pilotage, viz. :— Rates of pilotage for men-of-war.

	Fair season.	Monsoon.
A ship of the line, or of fifty guns ...	Rs. 100 ...	Rs. 140
A frigate, or sloop of war	75 ...	100

Fifth. Foreign men-of-war are to pay, in addition to the above rates, forty rupees. For foreign men-of-war.

Sixth. Square-rigged vessels of all descriptions :— For merchant-ships and vessels.

	Fair season.	Monsoon.
Above 50 to 300 tons ...	Rs. 50 ...	Rs. 75
300 to 400 ...	55 ...	80
400 to 500 ...	60 ...	85
500 to 600 ...	65 ...	90
600 to 700 ...	70 ...	95
700 to 800 ...	75 ...	100
800 to 900 ...	80 ...	105
900 to 1,000 ...	85 ...	110
1,000 to 1,100 ...	90 ...	115
1,100 to 1,200 ...	95 ...	120
1,200 and upwards ...	100 ...	125

Seventh. Foreign merchant-ships, of all nations, with the exception of the ship belonging to the Imaum of Muscat, forty rupees, in addition to the above rates. Foreign merchant-ships, excepting those of the Imaum of Muscat.

Eighth. Ships of the line, and of fifty guns :— Charges for transporting men-of-war.

	Fair season.	Monsoon.
To or from the sheer hulk ...	Rs. 80 ...	Rs. 120
From any chain or anchor to the dock	100 ...	140
From the dock to a chain, or the ship's anchor	100 ...	140
Hauling in or out of dock ...	100 ...	140
Frigates and sloops of war :—		
To the sheer hulk		
From ditto		
From a chain or anchor to the dock		
From the dock to a chain or anchor	50 ...	75
Hauling into dock		
Ditto out of dock		

Ninth. All foreign men-of-war to pay, in addition, forty rupees. And foreign men-of-war.

and merchant-ships, British and foreign.

Tenth. Merchant ships to pay in proportion to their tonnage:

	Fair season.		Monsoon
Ships of three hundred tons and under	Rs. 40	...	Rs. 65
And upwards, at the rate of ten rupees for every hundred tons additional.			
All foreign ships to pay forty rupees more than British ships, which on three hundred tons will be	80	...	105

MOORINGS.

Charges and regulations for moorings.

X. *First.* A ship coming in from sea, and taking in the moorings, is not to be charged for transportation to those moorings.

EXPENSE OF THE DIFFERENT MOORINGS.

		Fair season, per diem.		Monsoon, per diem.
No. 1.	... ...	Rs. 6	...	Rs. 10
2.	... ...	6	...	10
3.	... ...	6	...	10
4.	Large moorings ...	6	...	10
5.	... ...	6	...	10
6.	... ...	6	...	10
7.	... ...	6	...	10
8.	... ...	6	...	8
9.	... ...	6	...	8
10.	... ...	6	...	8
11.	... ...	6	...	8
12.	... ...	6	...	8
13.	... ...	6	...	8
14.	... ...	6	...	8
15.	... ...	6	...	8

Ships not berthed properly, will have no charge made for moving them.

Second. Ships not berthed properly by the pilot will have no charge made for moving them.

For the moving of ships, a charge to be made.

Third. For the moving of ships requiring at the commander's request, a charge will be made according to the stated rule.

Ships taking in the chain for any time short of one day, to be charged for the whole day.

Fourth. Any ships taking in the chain for any time short of a day will be charged for the whole day.

Ships to veer away eight or ten fathoms of cable.

Fifth. Ships lying at a chain in the monsoon, at the desire of any pilot, to veer away eight or ten fathoms of cable, to ease the chain on the flood tide.

Ships near the shore not to load more than nineteen feet.

Sixth. Ships near the shore are not to load more than nineteen feet at spring tides, and to apply to be moved into deeper water when at that draught.

LIGHT-HOUSE DUES.

Ships and vessels to pay lighthouse dues.

XI. All ships and vessels, down to the burthen of twenty tons, are to pay at the rate of fifteen rupees per hundred tons per annum.

BUOY AND ANCHORAGE DUES.

XII. All vessels and boats not receiving pilots are to pay annually according to the following rates:— Buoy and anchorage dues.

From	30 to 50 tons,	annually	... ...	Rs. 10
Above	50 to 100	ditto	... ...	20
	100 to 150	ditto	... ...	25
	150 to 200	ditto	... ...	30
	200 to 250	ditto	... ...	35

RECEIPT AND DELIVERY OF GUNPOWDER.

XIII. *First.* All powder on private account will be received at the magazine at Mazagon, and at no other place. Powder will be received at the magazine at Mazagon.

Second. Application for receipt or delivery must be made at the office for the commissary of stores, in the Castle, at least twelve hours beforehand. Application for receipt and delivery to be made to the commissary of stores.

Third. Magazine hours from eight o'clock in the morning till four in the afternoon, every day, Sundays excepted. Magazine hours from 8 a.m. to 4 p.m.

Fourth. None can be admitted except in complete and unexceptionable packages, perfectly free from iron, and not covered. Where any are tendered which the commissary or his people may consider objectionable, he has orders to substitute proper barrels, which will be charged to the owners. None will be received except in complete and unexceptionable packages.

Fifth. As the magazine is infested with white ants, it is recommended to such as may have powder to lodge, to provide themselves with teakwood barrels or boxes. The company cannot be at any charge on account of the damage thus occasioned; and whenever it occurs, the commissary will substitute teakwood barrels, which will be charged to the owners; and similarly, in all cases where, from decay or other causes, the packages may become objectionable. Magazine infested with white ants.

SUPPLIES OF MILITARY STORES.

XIV. *First.* All applications for the supply of ordnance or other stores, to be made to the Military Board by the owner or commander of the ship, must state the voyage on which she is bound, and must be accompanied by an affidavit, sworn before and attested by a magistrate, certifying that the vessel and her cargo are absolutely and bonâ fide British property, or the property of persons living in a British settlement, and under the protection of the British flag, as per forms annexed, viz.:— Applications for the supply of ordnance to be made to the Military Board.

"To A. B., Secretary to the Military Board.

"Sir,—I beg you will be pleased to procure me an order from the Military Board to receive from the commissary of stores (specify the stores), intended for the defence of the ship ———, bound on a voyage to the eastward. I beg to enclose an affidavit, stating the ship to be British property, and will execute such other papers as may be necessary. Form of letter to the secretary of Military Board.

"I am, &c. &c.

"Bombay, Sept. 16, 1803." (Signed) "C. D."

FORM OF AFFIDAVIT.

"Bombay.—I do hereby declare on oath, that the ship ———, to be commanded by Captain E. F., together with the cargo, and for the defence Form of affidavit.

of which a supply of military stores is now requested, are absolutely and bonâ fide British property.

(Signed) "F. G."

Sworn before me this —— of ——, 18—.
(Signed) "H. J.,
"Magistrate."

Second. When these forms shall have been complied with, if the articles can be spared, a bill will be made out in the Military Board's office for their value, with the addition of fifty per cent., together with an obligation to be signed by the party in whose names the stores are supplied, binding himself to return into the arsenal, on the return of the ship to this port, the guns and muskets with which he may have been supplied, or to account for any eventual loss. The following is the

FORM OF OBLIGATION.

Form of obligation.

"Bombay, the —— of ——, 18—.

"The president and members of the Military Board having been pleased to comply with my request for a supply of arms and military stores for the defence of the ship ——, on her present intended voyage within the Honourable Company's limits, the value of which, with fifty per cent. advance, being Bombay rupees ——, I have deposited and paid that sum in the hands of the military paymaster-general; and I do engage that the guns and muskets composing part of these supplies shall be re-delivered into the Company's stores; and I will pay for such as shall be lost or damaged during the time they are on board the said ship, which is to be deducted out of the deposit made in the hands of the military paymaster-general, and he is, upon my producing the commissary of stores' receipt for the guns and arms which I shall deliver into the arsenal, to repay me the amount.

(Signed) "J. K."

Bills for stores to be sent to the party applying.

Third. The bill for the stores, and the preceding obligation, will be sent to the party applying, with a letter to the paymaster-general, requesting him to see the obligation signed, to receive the amount of the bill in cash, and to grant a receipt for money; on the production of which, at the Military Board's office, an order will be granted on the arsenal for the delivery of the stores; and an intimation of the amount in deposit for the guns and muskets, and of the amount of the stores sold, will be made to the office of audit.

Guns and muskets supplied to vessels to be surveyed on the ship's return

Fourth. On the ship's return to this port, the guns and muskets supplied to her on loan must be surveyed by the Committee of Survey, whose report will be laid before the Military Board, when the full deposit for such of them as are found to be in a serviceable state will be returned to the captain or owner. One-third of the deposit for such of them as may be reported repairable will be retained by Government to defray the expense of repairs; and should any of the guns or muskets be deficient, or deemed totally unserviceable by the Committee of Survey, the full amount of the deposit for such articles will be retained by Government.

All stores will be sold to individuals

Fifth. All stores, excepting guns with their carriages, and muskets, which are only to be supplied on loan, will be sold to individuals, with an addition of fifty per cent. on the prices established by the list of prices.

RULES TO BE OBSERVED ON BOARD THE *HONOURABLE COMPANY'S* SHIPS, WHILE TAKING IN A COTTON CARGO.*

XV. First. Before a bale of cotton shall be shipped, oil, oil paints, and spirits of turpentine, must be removed from the orlop deck to a proper place of security on the poop, and the commander must, in writing, report to the superintendant of marine such removal.

Oil, &c. to be removed from a ship taking in cotton.

Second. No fire is to be allowed, for any purpose, in any boat conveying cotton.

No fire to be allowed.

Third. No light is on any pretense to be allowed in the hold, or on the orlop, during the stowage of cotton.

No light to be allowed in the hold.

Fourth. No natives of India are to be allowed to go into the hold, or on the orlop, during the receipt of a cotton cargo.

No natives to be allowed to go in the hold.

Fifth. No work is to be allowed in the hold, or on the orlop, after six o'clock, nor any cotton to remain on the upper or gun-decks after that time.

No work to be allowed in the hold.

Sixth. Within a quarter of an hour of the conclusion of the day's work, all the officers in the ship must be in the hold, and see the seamen up before them, and personally attend the laying on of the hatches and scuttles, the keys of which are invariably to be kept by the commanding officer.

Officers of ship to be in the hold.

Seventh. The ship's engine must be kept in constant readiness with its apparatus on the upper deck; and a sufficient number of hands must be stationed for the duty of working it, so that there may be no confusion on an emergency.

Ship's engine to be kept in constant readiness on the upper deck.

Eighth. In the event of fire, the ship's bell to be rung, and immediate notice sent on shore to the marine department.

In the event of fire, ship's bell to be rung.

Ninth. Should such a calamity occur, the orders of the superintendent, or master-attendant, or the other proper officers by their directions, to be implicitly obeyed.

Orders from superintendent to be implicitly obeyed in the event of fire.

Tenth. Should cases of emergency arise, to render the suspension of any of these Regulations necessary, the commander must make his application to Government.

Should cases of emergency render the suspension of any of these Regulations necessary, the commander to make his application to Government.

Eleventh. A copy of these Regulations, printed, is to be delivered to each commander whose ship is to be laden with cotton, upon his arrival, and his receipt taken for the same.

A copy of these Regulations to be delivered to each commander.

RULES FOR PRIVATE SHIPS TAKING IN COTTON.

IN ADDITION TO NOS. 2, 3, 5, 6, 8, 9, TO BE OBSERVED ON BOARD THE *HONOURABLE COMPANY'S* SHIPS.

XVI. *First.* Every vessel taking in cotton must have a spare pump over her side, with a tub to receive water, and two dozen buckets with lanyards at hand.

Vessel taking in cotton to have a spare pump.

Second. No lights to be permitted among the crew after eight P.M., nor any other than the binnacle-light after ten P.M.

No light to be permitted after 8 p.m.

Third. The crew are not to be permitted to cook their victuals on board, but in a boat, astern of the ship.

The crew not to cook their victuals on board

Fourth. A regular watch must be kept during the night, above and below.

Regular watch to be kept during the night.

* Such clauses of this section as are not applicable to private ships under the following section are superseded by the abolition of the Company's commercial character, under 3 & 4 Will. IV. cap. 85, sec. 4.

No woman to be allowed to remain on board.

Fifth. No woman is to be allowed to remain on board.

No lascar to receive more than one month's advance.

Sixth. No lascar shipped for any voyage is to receive more than one month's pay in advance.

Certificates to be granted to lascars demanding them.

Seventh. Certificates, under the denomination of absent tickets, are to be granted to such lascars as may demand them, empowering an agent to receive equal to one-third of the lascar's pay during his absence.

All persons engaged in the shipment of lascars to be registered at the police-office.

Eighth. All persons engaged in the provision and shipment of lascars are to be registered at the police office, and to take out a license for the exercise of their calling, granting to the superintendent sufficient security.

Lascars to proceed on board their ships within twenty-four hours after the receipt of impress.

Ninth. Lascars are to proceed on board their respective ships within twenty-four hours after the receipt of their impress.

Any lascar deserting from his ship to be subject to a year's imprisonment.

Tenth. Any lascar having regularly received impress, who deserts from his ship while in the harbour, is to be subject to twelve months' imprisonment, to hard labour on the docks, as a convict.

Crews of ships burnt to serve out either on board the cruizer or on docks.

Eleventh. Crews of ships burnt or lost in harbour (and in all cases of burning) are to be compelled to serve out the remainder of their time either on board the Honourable Company's cruizers, or, as the case may require, upon the docks, under the most rigid restrictions, but not as convicts.

Commanders of ships to furnish lascars slop, fish, &c.

Twelfth. Commanders of ships are to furnish to the lascars, slop, fish, &c. at fixed rates, and to be accountable to Government for failure in what shall become their duty in this respect.

Any lascar wishing to lodge a complaint before the superintendent of police, to be at liberty to do so.

Thirteenth. Liberty is to be granted to any lascar who may demand it for the purpose of lodging any complaint before the superintendent of police for hard usage.

PURCHASE OF MARINE STORES.

Ready money to be paid for stores to the value of fifty rupees.

XVII. *First.* For stores to the value of fifty rupees ready money must be paid.

Applications to be made to the assistant to the superintendent.

Second. Applications for stores, to the above value, must be preferred to the assistant to the superintendent of the marine, who will make out an indent, to be countersigned by the superintendent; on the back of which the accountant will make out a bill, which must be carried to the paymaster, who will receive the money, and certify the same on the face of the bill. The document being then carried to the marine storekeeper, he will issue the articles indented for.

Application for stores valued above fifty rupees to be made to the superintendent of marine.

Third. Application for stores above the value of fifty rupees must be made to the superintendent of the marine, by presenting to him an indent on the marine storekeeper; which, having received his counter-signature, is to be taken to the storekeeper or his deputy, and the stores will be issued accordingly.

Bills to be made out by the accountant.

Fourth. Bills for such stores will be made out by the accountant, and sent by him to the paymaster, for recovery from the parties; and if any delay occur in the payment after the expiration of a month after delivery, interest will be charged.

PRICE OF STORES.

Thirty per cent. to be charged on stores.

XVIII. *First.* Upon the prime cost of Europe stores, calculated at an average of the cost of stores for three years, thirty per cent. is charged;

excepting only pitch and tar, on which one hundred and fifty per cent., and spars, on which one hundred per cent. is levied.

Second. On country stores, the prime cost of which is similarly averaged, twenty per cent. is levied.

On country stores twenty per cent. is levied.

Third. Individuals who use their own Europe or country stores in the repairs of ships in docks are charged twenty per cent. upon the Company's invoice price of the former, and ten per cent. upon the price paid in the store department for the latter.

Individuals who use their own Europe or country stores, to be charged twenty per cent.

Fourth. In lieu of the per-centage, which formerly was charged upon Europe and country stores belonging to individuals, and used in building vessels in the Company's dockyards, a charge, at the rate of one thousand rupees per one hundred tons, has been substituted.

In lieu of the per-centage to be charged upon Europe stores, a charge at the rate of one thousand rupees per one hundred tons to be substituted.

PRICE OF THE LABOUR OF ARTIFICERS.

XIX. *First.* For ships requiring repairs afloat, an indent must be made on the marine storekeeper, and countersigned by the superintendent, for the necessary number of artificers of the description required, and the charge for the same will be the amount of pay which they receive from the Company.

Price of the labour of artificers.

REGULATIONS IN THE BOAT DEPARTMENT.

XX. *First.* For the purpose of preventing frauds, and of facilitating the unlading of the Honourable Company's regular and extra ships at the dock of Bombay, a trusty European is attached to each of the Honourable Company's luggage-boats, who is to keep an account of what is received into the craft, and compare it with the ship's account, with which it must agree before the boat depart from alongside.

A trusty European to be attached to each of the luggage-boats.

Second. A trusty person from the ship to proceed likewise in the boat.

A person from the ship to proceed in the boat.

Third. Two locks to be affixed to each hatch of the boats, one key to be in charge of the person from the ship, and the other to be kept by the European belonging to the boat.

Two locks to be affixed to each hatch of the boats.

Fourth. The commander of a ship, on the day previous to his requiring craft, is to send notice to the boat-master, stating whether it be wanted for King's stores, Company's cargo, or private trade. The craft is on no account to be laden with other goods than those for which it has been demanded.

Commander of a ship to apply for a luggage-boat a day prior to his requiring it.

Fifth. Upon the arrival of a luggage-boat at the bunder, the boat-master is, without delay, to apprize the different departments to which the cargo of the boat may belong, that each may immediately send a trusty person to the place of landing, where he is to receive the goods of his department, and give a receipt to the person appointed on the part of the ship.

The boat-master to apprise the different departments of the arrival of a luggage-boat.

Sixth. As all stores, whether for the King or the Company, are, in England, conveyed to the Indiamen by the Company's boats only; so the Company's boats alone are to be employed in unlading their ships here.

Company's boats are to be employed in unlading their ships here.

Seventh. The extra ships being generally laden with the goods of numerous individuals, which it is impracticable to select without great delay and frequent injury, so as to load each boat sent to the ship with the property of one person; and complaints being constantly made by the merchants themselves that the boats which they send off are, after long

All private trade to be brought on shore in the Company's boats.

detention and great expense, ordered on shore empty, the goods not being at hand, it is directed, for the advantage of all parties, that all private trade be brought on shore in the Company's boats, and in no other; that, upon the landing of those goods, the warehouse-keeper do give a receipt, take charge, and lodge the property in a suitable warehouse, whence the owners are to receive it upon paying the boat-hire.

Rates of boat-hire.

Eighth. Rates of boat-hire.

No.	Names.	Tonnage.	Hire per diem.
1.	Diligence	100 ...	Rs. 20
2.	New London	109 ...	20
3.	Bombay	100 ...	20
4.	Content	100 ...	20
5.	Camel	51 ...	16
6.	Buffalo	59 ...	16
7.	Backhorse	61½ ...	16
8.	Perim long-boat ...	0 ...	6
9.	Mazagon	0 ...	0

and of charges for the use of cranes on the wharf.

Ninth. Rates of charges for the use of the cranes on the wharf collected by the boat-master.

	Rs.	qr.	reas.
For hoisting large spars, each	2	0	0
An anchor under 20 cwt.	0	2	0
Do. above do.	1	0	0
A gun under do.	0	2	0
Do. above do.	1	0	0
A large bale . do.	0	1	0
A small do. or cask	0	0	48
A horse	0	1	0
Bullock or cow	0	1	0
A carriage or large box	0	1	0
Small packages, each	0	0	24

Rates of payment on the Company's craft.

Tenth. Articles conveyed in the Honourable Company's craft, to pay half the amount, whether belonging to His Majesty or to merchants.

REGULATIONS FOR THE OFFICE OF AGENT FOR TRANSPORTS.

All masters of transports to be under the agent's order.

XXI. *First.* To give due effect to the appointment of an agent for transports, and to insure a punctual compliance with his directions, all ships chartered by Government for the public service are to be placed under the control of that officer: consequently, the master, the mates, and every person belonging to the transport, together with her boats, &c., are to be subject, in all respects, to the orders of the agent; and this essential Regulation is to form a clause in all future charter-parties.

The agent to be apprised of the acceptance of tenders.

Second. The agent is to be early apprized of the acceptance of tenders, and fully informed of the conditions upon which transports may be engaged.

Orders to the masters of transports to be through the agent.

Third. All orders and communications with the masters of transports are to be through the agent.

The different offices to transmit to the agent the quantity of stores to be sent on board the transports.

Fourth. The different offices whence stores or provisions are to be embarked are to transmit to the agent, as early as possible, the quantity and description of stores and provisions to be sent on board the respective transports; the agent is then to select such as, from weight or bulk, ought

to be sent off first, and to apprize the heads of offices of the same, and of the time when particular articles will be wanted, to prevent confusion in the embarkation, and a loss of room from bad stowage.

Fifth. The agent is to visit the ships frequently, either when loading or unloading, and give such directions, regarding stowage or discharge of stores, as he may judge proper; in the execution of which duty, he, or such officers as may be appointed to assist him, must meet with attention, and obedience to their orders, as provided for in Clause First of this section; and any neglect in this respect of the commander or officers is to be reported by him to the superintendent of marine, as a breach of the charter-party.

The agent to visit the ships frequently.

Sixth. It is the duty of the agent to report to the superintendent of marine any defect or deficiency in the hull, stores, or crew of the transports.

Any defect in the transports to be reported by the agent.

Seventh. The masters of transports are to attend at the agent's office every morning at ten o'clock, with a written report of the duty performed on board the ships under their command during the preceding day, of the cargo received or delivered, and of that which may be at the time alongside.

Masters of transports to attend every morning at the agent's office.

Eighth. Masters of transports are not to quit the port without the permission of the agent.

Masters of transports not to quit the port.

Ninth. Masters of transports, on their return from any service, are to report the ship's arrival, personally, to the agent, within two hours after their anchoring in the harbour, with a correct list of every article belonging to the Honourable Company on board; in neglect of which, one day's hire of the ship is to be stopped.

Masters of transports to report to the agent the ship's arrival.

Tenth. The agent is to begin clearing the transports as early as may be practicable after their return, and to ascertain from the superintendent of marine if their services will be longer required; and being informed that they may be dispensed with, he is to signify their discharge, in writing, to the masters, as soon as they shall have been cleared of the Honourable Company's property.

The agents to clear the transports as early as possible.

Eleventh. The agent is to apprize the officers at the heads of departments of the quantity and nature of the stores to be landed, that they may be prepared to receive and remove them into their respective stores as soon as they are put on shore.

The agent to apprize the heads of departments of the stores to be landed.

Twelfth. Masters of transports are to be bound by a stipulation in the charter-parties, not to take on board any article of private cargo, without the written consent of the Government, or of the superior public authority at the ports to which they may be ordered; and, to insure the fulfilment of this condition, the masters are to deliver, upon honour, to the agent, a list of all the stores which they may require for the voyage, and of those with which they return to Bombay.

Masters of transports not to take on board any article of private trade.

Thirteenth. When troops are to be embarked, all arrangements for the accommodation of the officers and soldiers are to be made by the agent, who is to consult with, and attend to the suggestions of the quartermaster-general.

Agent to make arrangements for the accommodation of troops.

Fourteenth. It is the duty of the agent of transports to superintend the embarkation and disembarkation of troops, under the directions of the quartermaster-general.

The agent to superintend the embarkation and disembarkation of troops.

Fifteenth. The commanding officers of corps, or detachments of corps,

The commanding of-

ficer of corps to report to the agent any deficiency in the accommodations on board the transports.

embarked on board transports, are to report to the agent any deficiencies they may find in the usual and necessary comforts and conveniences allowed to the troops on board ship, as well as any complaints they may have occasion to prefer against the masters of the transports, and it will be the duty of the agent to adopt the regular mode for remedying the complaints so made.

The agent to inform the superintendent of any transport being ready for the reception of troops on board.

Sixteenth. As soon as the transports intended for the conveyance of troops are in every respect prepared to receive them on board, the agent is to make a report to the superintendent of marine and the quartermaster-general of the army, that they may communicate the same, respectively, to Government, and to the Commander-in-Chief.

A committee of marine officers to make allotment of the troops on board transports.

Seventeenth. Whenever any embarkation of European or native troops shall be ordered from this presidency, a committee of marine officers to be required, under the authority of Government, on receiving a report of the numbers, caste, &c. intended for embarkation, to make an allotment of the troops and followers to a ship or ships; which having done, the superintendent of the marine is then to allot specifically, by instructions to the captain or master of each ship or vessel, the situation and space which is to be assigned for the use of the troops in their ships or vessels respectively.

A copy of these directions to be forwarded to the Commander-in-Chief.

Eighteenth. A copy of these directions and arrangements, on being received by Government, will be forwarded from the military department to the Commander-in-Chief, or, in his absence, to the officer commanding at the presidency station, who will cause copies of the distribution and allotment of accommodation to be furnished to the senior military officer proceeding on the ship or ships respectively.

EUROPEAN GENERAL HOSPITAL.

Commanders of ships to send to the European Hospital any Europeans sick or hurt.

XXII. The commanders of all merchant ships may send sick or hurt Europeans to the European General Hospital, with a note to the surgeon; and one rupee for each man per diem is the charge for all expenses of diet, medicine, &c.

NATIVE GENERAL HOSPITAL.

Natives hurt or sick, to be sent to the Native Hospital.

XXIII. The commanders of all merchant ships may procure admittance to this hospital for sick or hurt natives of their crews, upon application to the Medical Board, or to the superintendent of police; the charge for all expenses of every description being limited to eleven rupees and one-quarter per mensem.

INDIAN-BUILT SHIPS BOUND TO EUROPE.

Indian-built ships bound to Europe, how to be manned.

XXIV. *First.* Besides the master and mates, an Indian-built ship bound to England must have for her crew in the proportion of eight seamen, if European, or twelve, if natives of Asia or Africa, to every one hundred tons; and without a crew in this proportion, the ship will not be permitted to quit the port,

Clothing to be provided for the crew.

Penalty for not providing the same previously to the ship's departure,

Second. The owners must provide and have ready for survey, ten days before the ship's departure, the following quantity of clothing for each native of Asia or Africa belonging to the crew; and, if the committee of examination should disapprove of any articles, they must be changed :—

ONE SET FOR EACH PERSON TO CONSIST OF THE FOLLOWING ARTICLES.	PENALTIES FOR NOT PROVIDING THE SAME.
52 Act XVII. 1833. Four yards of Europe red or blue cloth for each man; that is, one jacket and one pair of trousers with feet, to be made up either in this country or on board, at the option of the commanders of the ships, say at two and a half rupees per yard	*Bombay* rupees seven for each jacket or pair of trousers deficient.
Two caps	*Bombay* rupee one and eight annas for each cap deficient.
Two pair of mittens	*Bombay* rupees four for each pair of mittens deficient.
One pair of trousers with feet, of country blanketing	*Bombay* rupees two.
One jacket of ditto	*Bombay* rupees two.
One pair of shoes	*Bombay* rupees two.
One bed, to consist of three country blankets sewed together, with a pillow stuffed with blanketing	*Bombay* rupees four.
One blanket	*Bombay* rupees one.
One canvas bag, to contain the clothes ...	*Bombay* annas eight.

Third. Clothing to be provided for the use of the seamen immediately upon the arrival of the ship in England:— and in Europe upon the arrival of the ship.

One jacket of coarse woollen cloth.
Two pair of trousers of coarse woollen cloth.
Two Guernsey shirts.
Two pair of stockings.
Two caps.
Two pair of mittens.
One pair of shoes.

Fourth. Airy and commodious berths must be provided for the crew, which will be surveyed by the proper officers in the marine department, who may direct their alteration or enlargement, as circumstances may appear to them to require. Airy and commodious berths to be provided for the crew.

Fifth. As several lascars and other natives of India have been landed at the Cape of Good Hope from recaptured country ships, in consequence of which the Honourable Company have been put to considerable expense by maintaining the lascars, &c. so landed, and returning them to India, and as circumstances of a similar nature may frequently occur, and the Company be subject to very heavy expense in respect to country or foreign ships, it is hereby provided that security shall be taken from the owners or agents of all such ships as may be cleared out at this presidency, at the rate of eight hundred rupees on one-fourth of the crew, or ten thousand rupees on a crew of fifty, to indemnify the Company from all expense which may be incurred by them in consequence of any of the native seamen that may eventually be impressed on board being landed at any of the British colonies, in any part of the United Kingdom, or other places, on the occasion of the capture or loss of any such country or foreign ship, Security to be given for lascars impressed on board foreign ships not becoming chargeable to the Company.

or from any other cause, and the native seamen thereby becoming a charge on the East-India Company.

To be taken by the Company's solicitor.

Sixth. A week before each ship's departure, a numerical descriptive list of her crew shall be delivered to the master-attendant, for the purpose of enabling the Company's solicitor to take the prescribed security, and hand it up to the Government.

The security to remain as a deposit in the Treasury at interest, and to be refunded on the return of the party to India.

Seventh. The security will remain as a deposit in the Honourable Company's treasury, either wholly or in part, as the case may be, and be redeemable, with interest at the rate of six per cent. per annum, on return of the parties on account of whom the security shall have been taken, or on the production of a formally authenticated certificate of their death.

A.D. 1814. REGULATION VI.

Reg. VI. 1814.

A REGULATION *for authorizing the Confiscation and Sale of Goods, Wares, or Merchandise, which may be forfeited by a Breach of the Regulations of the Government, and for rendering Goods illicitly shipped at Madras or Calcutta, or at any Port within the Jurisdiction of those Presidencies respectively, liable to seizure and confiscation, if imported into Bombay, or any of the Ports subordinate thereto:* PASSED *by the Governor in Council, on the 4th May,* 1814.

Preamble.

I. WHEREAS it is necessary that rules should be prescribed for the guidance of the revenue officers in the confiscation of goods and merchandise which may be imported into Bombay, or any of the ports subordinate thereto, in violation of the Regulations now established, or which may hereafter be established for the security of the Honourable Company's revenues; and whereas it is expedient that the revenue officers should also be empowered to confiscate goods and merchandises which may be imported at the port of Bombay, or any of the places subordinate thereto, from any port or place within the presidencies of Calcutta and Madras respectively, without conforming to the Regulations of the presidency to which the port of shipment shall belong;—the following rules have been accordingly enacted.

All seizures of goods, wares, and merchandise, in pursuance of any revenue Regulation, to be proceeded on, heard, examined, and determined in a summary way, before the custom-masters or deputies, and to be condemned and sold by them.

II. Where any goods, wares, or merchandise shall be seized as forfeited, by virtue or in pursuance of any Regulation respecting the revenues under the management of the Governor in Council of Bombay, by any of the officers of the said revenues, all such seizures shall be proceeded on, heard, examined, and determined in a summary way, before the custom-master of Bombay, or his deputy for the time being, or before the custom-master of any other port or place within the presidency of Bombay where such seizure may have been made, or near to the place where such seizure may have been made, or his deputy for the time being; which said custom-master and deputy custom-master respectively, within their respective jurisdictions, shall be and are hereby authorized and empowered to cause the respective person or persons in whose custody such goods, wares, or

merchandise so seized as aforesaid were found at the time of the seizure thereof, to be summoned to appear before them at their respective offices, and upon the appearance or default of such person or persons so to be summoned, to examine into the cause of such seizure or seizures, and thereupon to proceed to give judgment for the condemnation of such goods, wares, and merchandises as upon due examination shall be found to be forfeited, by virtue of any Regulation relating to the said revenues under the management of the said Governor and Council of Bombay, and to make an order for the sale of such goods, wares, and merchandises as shall be so by them respectively condemned.

Goods, &c. imported from any port within the presidencies of Bengal and Madras without a certificate of the payment of the regular duties leviable at the port of shipment, to be forfeited.

III. All goods, wares, and merchandises, imported or brought into any port or place within the presidency of Bombay from any port or place within the presidencies of Calcutta and Madras respectively, shall be forfeited, unless the person or persons in whose custody such goods, wares, or merchandises be found shall produce to the custom-master of the port or place where such goods, wares, or merchandises shall be found, or his deputy for the time being, a certificate from the custom-master at the port of shipment, or his deputy for the time being, that all customs, export duties, and charges whatsoever, which the Revenue Regulations of the presidency to which the said port of shipment shall belong require to be paid at the said port of shipment, have been paid to the said custom-master, or his deputy for the time being.

Appeal against the forfeiture to lie to the Sudder Adawlut at Bombay, or zillah judges at subordinate stations.

IV. A petition of appeal, descriptive of all the circumstances of the case, and confirmed on *oath*, shall lie to the Sudder Adawlut, by parties conceiving themselves aggrieved by the operation of this Regulation at the *presidency, Bancoote, Caranja, or at Malwan, or at any other port* where there may be no Court of Adawlut; and to the zillah judge at the other stations subordinate to Bombay, where Courts of Adawlut may be established.

The decision of the Sudder Adawlut and zillah judges to be final.

V. The decision of the Sudder Adawlut or of the zillah judge shall be final.

Goods confiscated to be sold on account of the Company.

VI. On goods, wares, or merchandise being adjudged to be finally confiscated, the custom-master will proceed to dispose of the same by public auction on account of the Company.

(REVENUE BRANCH.)

Reg. XXI. 1827.

A.D. 1827. REGULATION XXI.*

CONSISTING OF THIRTEEN (13) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Duties to be levied, except under certain Circumstances, on Opium imported at the Presidency of Bombay, or in the Territories subordinate thereto	I.
II.	Penalties for smuggling Opium, and for abetting and concealing the said Smuggling; Modes of enforcing those Penalties, and Rewards to Informers	III.
III.	Of the Supply of Opium for internal Consumption, and of its Passage from Place to Place	VIII.
IV.	Rules for the Retail Sale of Opium, and Penalties for Breach of the same	X.
V.	Places at the Presidency of Bombay where Tobacco, and Snuff not being of British Manufacture, and Ganza, are allowed to be imported, and Prohibition against their being imported elsewhere at the said Presidency; Forms to be observed on their Importation, and Duties to be levied	XVII.
VI.	Rules under which Tobacco, and Snuff not being of British Manufacture, and Ganza, which have been imported into the Island of Bombay, shall be deposited in and delivered out of the Custom-House Warehouse, and for Sale of the said Articles at the Presidency	XX.
VII.	Rules for the Exportation from the Presidency of Tobacco, and Snuff not being of British Manufacture, and Ganza; and Drawback allowed on the same	XXXII.
VIII.	Penalties for Smuggling Tobacco, or Snuff not being of British Manufacture, or Ganza, at the Presidency of Bombay, and for abetting or concealing the same; and for Breach of the Rules established for the Retail Trade in the same; Mode of enforcing the said Penalties, and Rewards to Informers	XXXIV.
IX.	Restrictive Rules for the Retail Sale of Poisonous Substances within the Zillas subordinate to the Presidency of Bombay ...	XLIV.
X.	Rules regarding the Importation of Liquors at Bombay, and Duties to be levied thereon	XLVI.
XI.	Rules under which Spirituous Liquors are allowed to be manufactured at Stations subordinate to the Presidency of Bombay, and Duties to be levied thereon	LIV.
XII.	Rules under which Spirituous Liquors of Country Manufacture are allowed to be sold at Stations subordinate to the Presidency of Bombay, and Duty to be levied thereon	LXI.
XIII.	Penalties for Breach of the Rules contained in Chapters XI. and XII., Mode of enforcing them, and Rewards to Informers ...	LXVII.

SUPPLEMENTS.

I. Regulation XXXIII. 1827. } [Repealed by Act XXIV. 1850.]
II. ——— XV. 1828. }
III. ——— XX. 1830.

* It is enacted by Act VII. 1836, that the legality of acts done and levies made under this Regulation shall not be questioned in any court of law whatever.

A REGULATION *for collecting Customs on Opium and other specified Articles, and imposing Restrictions on the Trade therein, made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India:* PASSED *by the Governor in Council, on the 1st January,* 1827.

Preamble.

WHEREAS it has appeared expedient to the Governor in Council of Bombay, with the combined views of checking deleterious and vicious habits in the people, and of securing and improving the public revenue, that the importation and sale at Bombay, or at any port or place within the zillahs subordinate thereto, of opium made without the limits of the presidency of Fort William, or territories immediately dependent thereon, should, with certain exceptions, be placed under restrictive provisions; that the importation and sale at Bombay of tobacco and foreign snuff, and ganza, and the exportation thereof from the said place, should be so regulated as to admit of efficient superintendence and render difficult evasions of the law; that throughout the zillahs subordinate to Bombay the retail sale of certain poisonous substances, without a license, should be prohibited; that the rules regarding the importation of spirituous liquors at Bombay, and the duties to be levied thereon, should be consolidated, and that the manufacture and sale of spirituous liquors in the zillahs subordinate to Bombay should be subjected to strict and vigilant control;—the following rules have therefore been enacted by the authority of the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, and shall have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.*

DUTIES TO BE LEVIED, EXCEPT UNDER CERTAIN CIRCUMSTANCES, ON OPIUM IMPORTED AT THE PRESIDENCY OF BOMBAY, OR IN THE TERRITORIES SUBORDINATE THERETO.

Opium liable to 12 *Rs. per Surat seer* import duty at Bombay and its subordinates.

*Rescinded by Sec. II., and see Sched. A, Act I. 1838.

Rescinded as respects Malwa opium by Sec. I. Reg. XX. 1830.

I. *First.* All opium, except as excepted in the succeeding clause, shall be subject to a duty of *twelve* (12) *rupees of local currency per Surat seer,** on being imported or brought into any harbour or roads, or port or place, *either* by *land or** sea, within the presidency of Bombay, or territories subordinate thereto, whether such opium be landed, or transhipped, or retained, or brought for use, or to be conveyed to any other place; provided that such small quantities, in no case exceeding one quarter of a Surat seer, as may be found in the possession of individuals under circumstances satisfactorily indicating that they are meant for consumption during the voyage or journey, are not to involve any consequences by virtue of this Regulation.

Certain importations not subject to the duty.

Second. The provisions of the preceding clause shall not apply to opium imported by Government, nor to opium regularly manifested from the

* So much of this chapter as fixes the amount of duty to be levied on opium exported or imported by sea, and the drawback payable thereon, is repealed by Section ii. Act I. 1838; and so much as relates to Malwa opium imported into Bombay, under a pass, is rescinded by Section i. Reg. XX. 1830.

United Kingdom, or imported under treaty with his Majesty for consignment to any place out of the Company's limits, nor to opium made within the limits of the presidency of Fort William, or the territories immediately dependent thereon.

Such duty to be in excess of ordinary custom duties leviable by the Regulations.

Third. The duty imposed *by this Regulation** shall be collected according to the general rules and provisions for sea *and land** customs and duties, subject in addition to the specific provisions of this Regulation, and shall not be understood to exempt the opium on which it is imposed from any other duty which may be leviable by the Custom-house Regulations.

*Rescinded by Sec. II. Act I. 1838, and see Sched. A, Act I. 1838.

Imported opium may be deposited for 12 months without paying duties, at the owner's option.

II. *First.* The owners of opium imported under the provisions of Clause 1st, Section I., shall be at liberty, instead of paying the duties (either such as established by this or any other Regulation) on its importation, to deposit it in any warehouse approved of by the Governor in Council, under mutual charge of the owner and the officer whose duty it may be to collect the duties, and there to keep it, without paying any duty, for a period not exceeding twelve (12) calendar months, to be computed from the date of its deposit.

Rescinded as respects Malwa opium by Sec. I. Reg. XX. 1830.

Such deposited opium removable at any intermediate time, on paying duties:

Second. The owners, or their agents, of opium deposited according to the provisions of the preceding clause, shall be at liberty to remove the said opium, on payment of the duties, at any time within the prescribed period of twelve calendar months, after which, if the duties shall not have been paid, it shall be lawful for the Governor in Council to cause the officer in charge of the collection of customs or duties to dispose of the said opium as provided in the succeeding clause.

but after 12 months to be sold by auction, and the proceeds in excess of duties to be given to the owners; but if in deficiency, the opium to be destroyed.

Third. The said opium shall be offered for sale by public auction, and if the price offered do not amount to the customs or duties chargeable, the opium shall be effectually destroyed in presence of the officer in charge of the collection of the said customs or duties; but, if the price be equal or superior in amount to the said customs or duties, the opium shall be sold, and the customs or duties paid from the proceeds, and if there be an overplus, it shall be given to the owners of the opium, or their agents.

CHAPTER II.

PENALTIES FOR SMUGGLING OPIUM, AND FOR ABETTING AND CONCEALING THE SAID SMUGGLING; MODES OF ENFORCING THOSE PENALTIES, AND REWARDS TO INFORMERS.

Confiscation of smuggled opium, and of the articles accompanying it.

III. All opium brought to the presidency of Bombay, or any place within the zillahs subordinate thereto, in a manner different from or without following the provisions enacted for its importation, shall be deemed to be smuggled, and shall be confiscated and disposed of as directed in Section VI. Clauses Fifth and Sixth; and, further, every vessel, carriage, and animal actually in use in conveying or containing such smuggled opium at the time of the seizure, and the contents of any package in which such opium may be concealed, shall also be confiscated and disposed of in like manner.

Persons keeping smuggled opium, to forfeit double the value, and double the amount of duty on it.

IV. In case any person or persons shall knowingly harbour, or keep, or conceal, or shall permit to be harboured, or kept, or concealed, any smuggled opium, whether or not he, or she, or they have property or

interest therein, such person or persons shall, for each such act, forfeit double the value of such opium, to be ascertained on its sale by auction as prescribed in Section VI. Clause Fifth, and double the amount of duty leviable on it, which forfeitures shall be enforced in the mode prescribed in Section VII.

Seizure and deposit of smuggled opium found by collectors or police establishment.

V. *First.* If any smuggled opium be found by a collector of sea customs or land revenue, or police magistrate, or any person on their respective establishments, it shall be his duty to seize the said opium, with every package in which it may be contained, and every vessel or carriage or animal in use in conveying or containing it, and to deposit the said seizure in the nearest place of security, and to give immediate information thereof, if it shall not have been already furnished, to the officer in charge of the collection of customs at the spot where the seizure was made.

Search-warrant for smuggled opium on information on *oath.*

Second. If any credible person shall give information, on *oath*, to a collector of land revenue or sea customs, or to a police magistrate, of any smuggled opium being kept in any vessel or building, or place whatsoever, the officer to whom such information is given is authorized and required to issue a warrant, under his hand and seal, to a constable, or any other trustworthy person or persons, commanding them to enter between sunrise and sunset into such vessel, or building, or place, and, if necessary, to break open doors, or chests, or packages, and to seize and deposit in the nearest place of security all such opium, with the vessel and the packages in which it may be contained, and the contents of such packages; when the seizure has been effected, the officer who issued the warrant is to give information thereof, if it has not been already furnished, to the officer whose duty it is to collect the customs on opium at the place where it was seized.

Confiscation of such opium and packages, if unclaimed for one month.

VI. *First.* From the time that information is given to the officer, whose duty it is to collect the customs on opium, that any of that article has been seized and deposited by virtue of the preceding section, it is to be considered as under his charge, and if no person claim it as owner, or agent for the owner, within one month from the seizure, such opium, and also the vessel and the packages in which it was contained, and the contents of such packages, are to be confiscated and disposed of as directed in Clause Fifth.

Superseded by Act VII. 1836.

Second. If within the said period of one month the owner, or any agent on his part, should claim the opium so seized, and subsequently prove, by suit instituted within three (3) *months from the seizure in the court having jurisdiction in the case under the provisions of the following clause, that the full amount of customs has been paid, and the opium in every respect legally imported, the articles seized shall be restored; but if he fail in such proof, the articles seized shall be confiscated as above specified.*

The opium to be restored if, on suit instituted within 3 months, the duties are proved to have been paid

Third. If the quantity of opium seized on any one occasion do not exceed one maund, and the articles seized with it do not exceed in value 500 *rupees, any suit respecting it by virtue of the preceding clause is to be instituted and decided summarily, if within the jurisdiction of his Majesty's Supreme Court of Judicature, in the Court of Petty Sessions, and if within the jurisdiction of a Zillah Court, then it is to be instituted and decided sum-*

Summary decision if the opium seized do not exceed one maund, and the articles seized with it do not exceed in value rupees 500; *otherwise, decision by the Supreme or Zillah Court.*

marily before the magistrate; but if the opium seized be more in quantity, or the value of the articles seized with it greater than above specified, then the suit is to be instituted either in his Majesty's Supreme Court of Judicature or the Zillah Civil Court, according as the jurisdiction applies.

Proviso for the recovery of articles accompanying the opium, on suit instituted, and proof of payment of duties.

Fourth. If neither the owner of seized opium, nor any one on his behalf, should seek to recover it under the provisions of the second clause of this section, it shall nevertheless be competent to the owner (or his agent) of any articles that may have been seized with the opium, to institute a suit under the rules and for the purpose described in the said clause; and if he succeed in proving that the opium has been legally imported and has paid the duties chargeable upon it, he shall then recover such part of the seizure as may be proved to be his own property.

Superseded by Act VII. 1836.

Public sale of confiscations, and distribution of the proceeds.

Fifth. All confiscated seizures shall be sold by public auction at a time and place to be notified publicly at least a week previous to the sale; if there be any informer or informers, one-third of the proceeds shall be given to him, or her, or them; the remainder, or if there be no informer, the whole, shall be applied as the Governor in Council may direct.

Special case of opium not selling for rupees 12 per seer.

Sixth. Confiscated opium sold by public auction shall, if the price obtained be not less than the amount of customs or duties chargeable, be, on payment of the purchase-money, delivered to the purchaser; but if the price obtained be less than the said amount, the opium shall be placed in charge of the officer vested, by virtue of Section VIII. Clause First, with the duty of keeping and supplying opium for the retail trade, and shall be by him furnished from time to time to licensed retailers, upon application from the owner, and agreeably to the rules contained in Chapters III. and IV.

Penalty for abetting smuggling opium.

Limitation of imprisonment in commutation of forfeiture.

Proviso as to the tribunal in Bombay.

VII. *First.* The penalty for abetting the smuggling of opium, as described in Section IV. of this Regulation, shall be enforced by information before the zillah magistrate or *criminal* judge according to the general code, if the act were committed within the jurisdiction of any Zillah Court; and the period of imprisonment assignable in commutation of the forfeiture shall not exceed two years.

Second. But if the act were committed within the jurisdiction of his Majesty's Supreme Court of Judicature, the case shall, on prosecution by the collector of the customs on opium, be tried, and if the offence be proved, the forfeiture shall be levied, or a suitable punishment in commutation thereof shall be awarded by the Court of Petty Sessions, unless the amount of the forfeiture should exceed 500 *Bombay* rupees, when the case will be tried and determined by the said Supreme Court.

See Act XVII. 1835.

CHAPTER III.

OF THE SUPPLY OF OPIUM FOR INTERNAL CONSUMPTION, AND OF ITS PASSAGE FROM PLACE TO PLACE.

Collector of land revenue to have charge of opium for supply of the retail trade;

VIII. *First.* The collector of the land revenue in each zillah, or other officer appointed for the purpose by Government, shall be intrusted with the charge of opium for the supply of the retail trade: he shall, with the sanction of Government, establish depôts of opium, and frame and pro-

mulgate rules for its sale in all particulars not specially provided for by Regulation.

Second. Opium shall be furnished from the depôts to licensed dealers in opium, for the purpose of supplying the retail trade within each zillah respectively under the provisions of the succeeding chapter.

and furnish licensed dealers with opium from the depôts.

IX. *First.* When opium is purchased from a depôt for the purpose of retail at another place, the collector shall furnish the purchaser with a pass, specifying his name, the quantity of opium which is permitted to pass, the depôt from which it was purchased, the route by which it proceeds, its place of destination, and the probable period of its arrival; and this pass shall be authority to the officers in charge of the collection of customs on the route to allow it to proceed to its place of destination, under the rules contained in the following clauses of this section.

Pass for opium purchased for retail at another place;

Second. Such officer shall, however, ascertain, by examining so many of the packages and in such way as may suffice for the purpose, whether or not the quantity agrees with that specified in the pass.

inspection of packages;

Third. If there be any excess which shall not be satisfactorily accounted for, the whole of the opium shall be liable to be seized and confiscated as smuggled opium, and the dealer shall be deemed to have incurred the penalties and forfeitures enacted against retailers of opium convicted of aiding and abetting the smuggling of opium; and if there be any deficiency in like manner unexplained, a duty of twelve (12) rupees *local currency* per each Surat seer shall be levied by the collector on the quantity deficient.

if excess discovered, the whole liable to confiscation, and if deficiency, 12 rupees duty per seer to be levied thereon.

See Act XVII. 1839.

CHAPTER IV.

RULES FOR THE RETAIL SALE OF OPIUM, AND PENALTIES FOR BREACH OF THE SAME.

X. *First.* Any person selling at one distinct sale a smaller quantity of opium than two Surat maunds shall be considered a retailer, and liable to the rules enacted for such.

Retailers:

Second. No person shall sell or offer to sell opium by retail without previously obtaining a license from the collector of land revenue at the place as directed in the following section.

to obtain license from the collector.

Third. Any person so retailing opium without the said license shall be liable for each such act to a fine of fifty rupees, to be enforced in the mode described for other penalties in Section VII., besides which the opium so sold or offered for sale shall be confiscated, together with any other opium found in the house or at the place, according to the provisions of Sections V. and VI. of this Regulation.

Fine of 50 rupees for retailing opium without license, and the opium to be confiscated.

Fourth. If any person have in his possession (without being a licensed retailer) a greater quantity of opium than one quarter of a Surat seer, the same not having been imported according to the provisions of Chapter I. of this Regulation, nor procured in any other lawful way, he shall be liable to the penalties enacted in Section IV. for abetting smuggling, to be enforced in the manner directed in Section VII.

Any person possessing above ¼ Surat seer of opium not shown to have been legally obtained, liable to penalties of abetting smuggling.

Fifth. If smuggled opium be found in possession of a licensed retailer, such retailer, in addition to the confiscation of the smuggled opium, shall forfeit his license, and all other opium found in his possession shall also be confiscated; and if he be convicted in the mode described in Section VII.

Licensed retailers possessing smuggled opium to forfeit license, &c.

of having knowingly had smuggled opium in his possession during the term of his license, he shall, in addition to the penalties enacted in Section IV. for abetting the smuggling of opium, to be enforced as described in Section VII., be liable to the further forfeiture and confiscation above specified in the present section.

Licenses. Appendix (A).

XI. *First.* Collectors of land revenue shall grant such number of licenses for the retail of opium as may be sufficient to supply the demand in their respective collectorates, and they shall be made in the form in Appendix (A).

Limitation of time and place of sale.

Second. Each license shall authorize the keeping and selling opium only at one specific place, and for a specific period, not exceeding one year, which period, however, must always reach to the Dewallee; and it is not intended to prohibit an individual taking out at the same time different licenses for different places.

Limitation of quantity to be furnished to the retailers.

XII. The collector shall, on application from retail dealers, furnish them with opium from the several depôts under his superintendence; but no retailer having opium already in possession shall be furnished with a further supply, unless his stock in hand be shown by the books specified in Section XVI. to be reduced to five Surat seers; and no larger quantity than two Surat maunds shall be delivered out at one time on the same license.

Penalty for selling above ¼ seer to one person in three days without authority.

XIII. Any retailer convicted before the authority mentioned in Section VII. of selling more than a quarter of a Surat seer of opium to the same person within three successive days, unless with the permission of the officer charged with the duty of keeping and furnishing opium for the retail trade, or of some officer duly authorized by him to grant it, shall be fined at the rate of twenty (20) rupees per Surat seer for the quantity so sold in excess.

Board to be affixed.

XIV. Every retailer shall keep affixed to a conspicuous part of the outside of his shop a board, with an inscription specifying that opium is retailed there; and if convicted before the authority specified in Section VII. of omitting to do so, his license shall be forfeited.

Returns to be furnished.

XV. *First.* Each retailer shall make a return to the collector, on the 1st of each month, of the quantity of opium he had on hand at the commencement of the preceding month, and of the quantities he received and sold during that month, and of the balance remaining at the date of the return; and if he have taken out more than one license, there shall be a separate return for each.

Penalties.

Second. If a retailer neglect to make the return specified in the preceding clause, or if he make a false return, he shall, on conviction before the authority mentioned in Section VII., forfeit his license; and all the opium found in his shop shall be confiscated and disposed of according to the rules in Clauses Fifth and Sixth of Section VI.

Book of sales.

XVI. *First.* A book shall be kept by the retailer containing a detailed account of the sales of opium; on each license a separate book shall be kept.

Second. The collector of land revenue, or any person furnished with a specific order from him, shall be at liberty at all times to inspect the said book at the place of sale, or if requisite, elsewhere, and also at any time between sunrise and sunset to enter any such place of sale, and to take an account of any opium that may be there. Liberty of examination to the collector, &c.

Third. Any retailer failing to produce the said book within an hour after its being demanded, or making a false entry in it, or obstructing the search mentioned in the preceding clause, shall, on conviction before the authority mentioned in Section VII., forfeit his license; and all the opium found in his shop shall also be confiscated and disposed of according to the rules in Clauses Fifth and Sixth of Section VI. Penalties.

CHAPTER V.

PLACES AT THE PRESIDENCY OF BOMBAY WHERE TOBACCO, AND SNUFF NOT BEING OF BRITISH MANUFACTURE, AND GANZA, ARE ALLOWED TO BE IMPORTED, AND PROHIBITION AGAINST THEIR BEING IMPORTED ELSEWHERE AT THE SAID PRESIDENCY; FORMS TO BE OBSERVED ON THEIR IMPORTATION, AND DUTIES TO BE LEVIED.

XVII. *First.* Tobacco and foreign snuff, and ganza, shall be allowed to be imported into the island of Bombay by landing directly at the custom-house, within the fort, and at Musjid Bunder, or at the custom-house at Mahim, and at no other place on the island, under the penalties specified in Section XXXIV. Clause First. Places at which alone tobacco, snuff, and ganza are allowed to be imported.

Second. Tobacco and foreign snuff, and ganza, shall not be imported, under the penalties cited in the preceding clause, at any place in Old Woman's Island or Colaba, except such as may be conveyed there by the ferry from Bombay, in conformity to the rules for issuing permits subsequently stated in Section XXII. Explanation regarding Old Woman's Island, or Colaba.

Third. Foreign snuff, or ganza, imported into the island of Bombay as above permitted, shall immediately be warehoused in conformity to the provisions of Chapter VI. of this Regulation: when tobacco is imported, it shall be optional with the importer, either to warehouse it in like manner, or to pay the duties leviable under Section XIX., in which latter case he shall receive a permit, and be allowed to pass the article to its place of deposit: tobacco so passed will, whenever subsequently removed, require a permit as prescribed in Section XXII., and shall be exportable, but without drawback, under the rules enacted in Section XXXII. Clause First, for tobacco which has passed the Custom-House for internal consumption. Snuff and ganza, when imported, to be warehoused. Conditions on which tobacco may pay duty and pass.

See Sec. iii. Act XXIV. 1850.

XVIII. *First.* When any vessel, not exceeding 500 candies burthen, having tobacco or foreign snuff, or ganza, on board, shall arrive or anchor within any of the waters or ports of the island of Bombay or Old Woman's Island, or Colaba, the owner or person in charge of the said vessel shall, within twenty-four hours, under the penalties, in case of failure, specified in Section XXXIV. Clause Second, report the same to the officer in charge of the customs at the place, and deliver to him a written account of the quantity of the said articles on board. Vessels under 500 candies burthen, laden with tobacco, &c., to be reported to the custom officers.

Second. The said officer shall then cause a trustworthy person or persons belonging to the custom-house establishment to proceed on board, and Packages to be marked and numbered.

mark every box, or case, or other package in which tobacco, or foreign snuff, or ganza, may be contained, with such mark as the said officer may direct, and also with progressive numbers, and none of the said articles shall be removed from on board such vessel without having been thus marked.

Provisions as to the landing and deposit of such tobacco, &c.

Third. When the packages have been marked as directed in the preceding section, the proprietors, or their agents, shall forthwith, in the presence of him or those who were sent to make the marks, land the said packages, under the penalties, in case of failure, specified in Section XXXIV. Clause Third, and convey them to the custom-house warehouse, where they shall be deposited under the provisions of Chapter VI. of this Regulation.

Duty on tobacco, rupees 3 *per maund*: on snuff, 1 rupee per 3 pounds; on ganza, rupees 87 per maund:

XIX. *First.* On tobacco imported into the island of Bombay shall be levied a duty of *three* (3) *Bombay rupees per Bombay maund*, on foreign snuff so imported a duty of one (1) *Bombay* rupee per three (3) pounds, and on ganza so imported a duty of eighty-seven (87) *Bombay* rupees per Bombay maund. See Act XXIV. 1850.

exclusive of 3½ *per cent.* on the value.

Second. Beside the duties specified in the preceding clause, the general custom-duty of *three and a half* (3½) *per cent.* on the value shall also be levied on the articles therein mentioned, according to the ordinary rules with reference to that duty. See Act XXIV. 1850.

CHAPTER VI.

RULES UNDER WHICH TOBACCO, AND SNUFF NOT BEING OF BRITISH MANUFACTURE, AND GANZA, WHICH HAVE BEEN IMPORTED INTO THE ISLAND OF BOMBAY, SHALL BE DEPOSITED IN AND DELIVERED OUT OF THE CUSTOM-HOUSE WAREHOUSE,* AND FOR SALE OF THE SAID ARTICLES AT THE PRESIDENCY.

Account to be taken of tobacco, snuff, and ganza in deposit:

XX. *First.* When any tobacco, or foreign snuff, or ganza, is brought to be deposited in the custom-house warehouse according to the preceding provisions, it shall be weighed by the custom-house officers, and an account shall be entered on the records of the quantity and the date of importation, and the name of the importer, and also of the customs due on it.

not to be delivered out of the warehouse, except for consumption or exportation:

Second. The articles thus warehoused shall not be delivered out of the warehouse for any purposes, except home consumption according to the provisions of Section XXII., or exportation according to the provisions of Chapter VII., and previous to such delivery the duties shall be paid.

on non payment of the duties, to be sold by auction.

Third. But if the duties shall not have been paid within six months after the articles have been warehoused, the custom-master shall sell by public auction (to be held during office hours for business, and the time and place to be advertised in the newspaper commonly used for official notifications a week previous thereto) so much of them as may produce the amount of the said duties.

Inspection.

XXI. The articles warehoused according to the provisions of the preceding section shall be always open to the inspection of the owners at office hours, provided such inspection be not desired oftener than once a day.

* See Act XXV. 1836, for the regulation of custom warehouses.

XXII. *First.* Foreign snuff, or ganza, required for purposes of home consumption by retail, shall be delivered only to licensed retailers of the respective articles; tobacco required for the said purposes may be delivered either to licensed retailers, or wholesale dealers who may receive it for the supply of retailers; in all cases a permit must be produced, according to the provisions of the succeeding clause, from the collector of land revenue at Bombay; and further, a similar permit must also be obtained from the collector whenever tobacco is transferred by a wholesale dealer to a retailer.

Tobacco, &c., how to be delivered for home consumption to a dealer;

Second. The said permit shall specify the name of the owner, and the quantity to be delivered, and the name of the retailer or wholesale dealer to whom it is to be delivered: the quantity of tobacco to be passed on permit to a wholesale dealer is unlimited, but to a retailer the quantity to be passed on each permit shall not exceed ten (10) maunds of tobacco, ten (10) pounds of snuff, or one (1) maund of ganza; and the permit shall be in force only during office hours on the day of its date.

on his producing a permit from the collector of land revenue at Bombay.

Superseded as respects ganza by Act II. 1841.

XXIII. No one, under the penalties specified in Section XXXVI., shall sell tobacco, or foreign snuff, *or ganza*, in the island of Bombay, or Old Woman's Island, or Colaba, without a license from the Court of Petty Sessions according to the form in Appendix (B), except in the case of tobacco the sale be made by a wholesale dealer to a retailer.

License from the Petty Sessions for sale of tobacco, &c., in Bombay.

XXIV. Every retailer who shall take out such license as aforesaid is hereby required to take out a fresh license ten days at least before the expiration of the first, and in the same manner such license shall be renewed from year to year, under the penalties in case of failure specified in Section XXXVII.

Renewal of license.

XXV. Every retailer of tobacco, foreign snuff, or ganza, shall, under the penalties in case of failure specified in Section XXXVIII., fix on some conspicuous part of the front of each warehouse, storehouse, shop, godown, or other place in which he, she, or they shall retail such tobacco, foreign snuff, or ganza, a board, on which shall be painted at full length such retailer's name, and immediately after or below such name the words "licensed retailer of tobacco, snuff, or ganza."

Board to be affixed, &c.

XXVI. Every retailer of tobacco, foreign snuff, or ganza, before taking out or renewing such license as aforesaid, shall, under the penalties in case of failure specified in Section XXXIX., make a true and particular return or entry in writing of all warehouses, storehouses, shops, godowns, or other places whatsoever by him, her, or them respectively used, or intended to be used, for the laying, keeping, or retailing any of the said tobacco, foreign snuff, or ganza, to the collector of Bombay, and also of all tobacco, foreign snuff, or ganza, by whatever name or names they are or may be called, which at the time of making such respective entries shall or may be in such warehouses, shops, storehouses, godowns, and other places, and every of them respectively.

Return of warehouses where tobacco, &c., are deposited to the collector of Bombay.

XXVII. The collector shall grant a certificate to all persons who shall make the entry above required, specifying the number of warehouses, storehouses, shops, or godowns that have been so entered, without which

Certificate.

certificate no license shall be granted or renewed by the Court of Petty Sessions, and every license shall specify the number of warehouses, storehouses, shops, godowns, or other places contained in the aforesaid entry and certificate.

License grantable on production of certificate.

XXVIII. The Court of Petty Sessions is hereby authorized and required to grant and renew such license to all persons applying for the same on their producing the certificate above required; provided always, that the persons so applying have not been convicted of any breach of this Regulation, and thereby incurred the forfeiture of such license.

See Act II. 1841, in respect of ganza.

Monthly returns to the collector.

XXIX. Every licensed retailer of tobacco, foreign snuff, and ganza, shall, under corresponding penalties in case of failure, make in respect to the article which he is licensed to retail a monthly return to the collector on the 1st of each month, corresponding with that prescribed by Section XV. to be furnished by licensed dealers in opium.

Limitation to the issue of permits.

XXX. When the stock of any retailer shall at any time appear by his monthly return, or otherwise, to exceed three times the amount of the greatest quantity of tobacco, snuff, or ganza, for which a permit can be granted under the provisions of Section XXII. Clause Second, no permit for any further issue is to be made by the collector to such retailer till his stock shall have been reduced so as not to exceed double the limit of the permit.

Liberty to enter and examine.

XXXI. It shall be lawful for the collector and his officers to enter all places where tobacco, foreign snuff, or ganza is retailed, and to examine and take an account of the article in question found there, in the same manner as is enacted in Section XVI. Clause Second, in respect to opium; and the same forfeiture of his license and confiscation of all the articles licensed to be sold by him, which is found at the place of sale, shall be the penalties attached to any opposition or hinderance on the part of any retailer to the exercise of such lawful authority.

CHAPTER VII.

RULES FOR THE EXPORTATION FROM THE PRESIDENCY OF TOBACCO, AND SNUFF NOT BEING OF BRITISH MANUFACTURE, AND GANZA, AND DRAWBACK ALLOWED ON THE SAME.

Tobacco, &c., exportable from the public warehouses on drawback;

tobacco exportable from private warehouses without drawback.

XXXII. *First.* Tobacco, or foreign snuff, or ganza, which has been warehoused according to the provisions of Chapter VI. may be delivered from the custom-house warehouse for exportation under the rules contained in the succeeding provisions of the present chapter; and it is hereby explained, that tobacco which has passed the custom-house for internal consumption, and paid duties accordingly, may be exported, provided that a permit be obtained similar to that prescribed in Section XXII. Clause First, and provided also, that the rules contained in Section XXXIII. for the notification and superintendence of exportations be followed; but such tobacco shall not be entitled to drawback.

See note at foot of Schedule A. Act I. 1838, and Act XXIV. 1850.

Drawback on exportation from the public warehouse to

Second. Tobacco, foreign snuff, and ganza, delivered for export from the custom-house warehouse and exported to a place at least (20) twenty

See Sec. ii. and the note

to Sched. A, Act I. 1838; also Sec. iii. Act XXIV. 1850.

leagues distant from any part of the island of Bombay, shall be allowed a drawback equal to the amount of the duty levied on the respective article by virtue of Section XIX. Clause First, but such drawback shall not be paid until the export certificate is re-delivered to the collector of customs of Bombay, bearing an endorsement, which shall set forth the actual landing of the article at the place to which it was to be exported; and, further, the drawback shall be granted only on the quantity of the article certified in the said endorsement to have been so landed, and all claim to drawback shall be forfeited if the export certificate, endorsed as above prescribed, be not re-delivered within the periods hereinafter respectively specified, reckoning from the date of export; viz.

the distance of twenty leagues;

on certificate of the same;

within the prescribed period.

In exportations to Bengal, a hundred and twenty	-	(120) days.
— Madras, ninety - - -		(90) days.
— Malabar and Canara, Katywar, Kutch, and Sind - - -	sixty -	(60) days.
— Surat and Guzerat, forty-two	-	(42) days.

See Sec. ii. and the note to Sched. A, Act I. 1838; also Sec. iii. Act XXIV. 1850.

Third. Tobacco delivered for export from the custom-house warehouse, and exported by sea or land to any part of the British territories distant not more than twenty (20) leagues from the island of Bombay, shall be allowed a drawback equal to the sum in which the duty specified in Section XIX. Clause First, exceeds the duty leviable at the respective place; but such drawback shall be demandable only on re-delivery to the collector of sea or land customs, as the case may be, within twenty (20) days after the exportation was made, of the export certificate or permit, bearing an endorsement as prescribed in the preceding clause, by the proper officer in the department of sea or *land* customs at the place to which the article was to be conveyed, and shall then be granted only on the quantity certified to have arrived at the said place, where such permit or export certificate shall operate as an exemption from the payment of duty in favour of the tobacco imported under it.

Drawback on exportation of tobacco from the public warehouse to the British territories within 20 leagues' distance, under similar rules.

XXXIII. *First.* When an exportation by sea is intended to be made, the proprietor shall give notice thereof in writing to the collector of sea customs, specifying the quantity and the person to whom the article is to be delivered, and the place to which it is to be conveyed; whereupon the said officer shall weigh and deliver accordingly the article required, and furnish the person to whom delivered with a certificate of permission specifying the above-recited particulars.

Notice of exportations by sea to be given to the collector of sea customs;

Second. Immediately on delivery, the article shall, under the penalties specified in Section XXXIV. Clause Fourth, be conveyed on board the vessel in which it is to be exported in presence of a custom-house officer.

and shipment to be superintended;

See Sec. ii. Act I. 1838.

Third. When it is intended to export tobacco by land, the written notice shall be made by the applicant to the collector of *land customs*, who will countersign it, and dispatch it by an officer of his department, together with the applicant, to the collector of sea customs, whereupon the collector of sea customs shall deliver the article to the owner, taking his receipt; the notice of export shall be returned to the collector of *land customs*, who will then issue the requisite permit, and will place an

exportations of tobacco by land to be similarly notified and superintended.

officer of his department in the superintendence of the article, which shall forthwith, under the penalties specified in Section XXXIV. Clause Fourth, be conveyed to the Salsette end of the Sion Causeway, from whence the officer shall return.*

CHAPTER VIII.

PENALTIES FOR SMUGGLING TOBACCO, OR SNUFF NOT BEING OF BRITISH MANUFACTURE, OR GANZA, AT THE PRESIDENCY OF BOMBAY, AND FOR ABETTING OR CONCEALING THE SAME; AND FOR BREACH OF THE RULES ESTABLISHED FOR THE RETAIL TRADE IN THE SAME; MODE OF ENFORCING THE SAID PENALTIES, AND REWARDS TO INFORMERS.

Confiscation of tobacco, &c., illicitly imported,

XXXIV. *First.* Tobacco, or foreign snuff, or ganza, brought into the island of Bombay, or Old Woman's Island, or Colaba, or at any port except such as is permitted by Section XVII. of this Regulation, shall be confiscated and disposed of as directed in Sections XLI. and XLIII. of this Regulation, together with any sort of package in which it may be contained.

including the vessel if under 500 candies burthen, having unreported tobacco, &c., on board;

Second. If any of the said articles shall be found on board a vessel situated as described in Section XVIII. Clause First, without having been reported as therein directed, it shall be confiscated and disposed of under the provisions of Sections XLI. and XLIII., together with any sort of package in which it may be contained, and also the vessel in which it may be found.

penalty for not conveying them to the warehouse on landing.

Third. If any of the said articles shall not be conveyed to the warehouse on landing, as directed in Clause Third of Section XVIII., it also shall be confiscated with its packages, as above said.

Confiscation of tobacco, &c., illicitly shipped or re-landed;

Fourth. If any of the said articles, after being taken from the warehouse for exportation, as directed in Section XXXII., shall, if intended for conveyance by sea, not be shipped as therein directed (danger of seas and enemies excepted), or having been shipped, shall be re-landed in a manner not conformable to the rules for importation (except to save the goods from perishing by stress of weather), and if tobacco, received from the warehouse for exportation by land, shall, without written leave from the collector of *land* customs, remain on the island for more than two days after the collector's permit has been issued, the said respective article shall be confiscated, as above said, together with its packages, and any animals, or carriages, or vessels in use in conveying or containing it at the time of seizure.

or remaining on the island.

Confiscation of tobacco, &c., found for sale, or in considerable quantities without the requisite authority.

Fifth. And, further, if any of the said articles be found in the possession of any hawker, itinerant vender, or other unlicensed retailer, for the purpose of sale, or in any of the streets, roads, or other places of the islands of Bombay, Colaba, or Old Woman's Island, without a permit, as prescribed in Section XXII. Clause First (small quantities, for personal consumption, not being herein contemplated), and not proceeding to be warehoused or shipped, in accordance with the provisions of Section XVIII. Clause Third, and Section XXXIII., respectively, it shall be liable to confiscation, together with its packages, and any animals or vessels in use in conveying or containing it at the time of seizure.

* All inland transit duties, excepting at foreign frontiers, were abolished by Act I. 1838.

Penalty for concealing tobacco, &c., liable to confiscation;

XXXV. *First.* If any person or persons shall be convicted in the mode described in Section XLII. of having knowingly kept or concealed, or of having permitted to be kept or concealed, any tobacco or foreign snuff, or ganza, liable to confiscation under the rules of the three first clauses of the preceding section, whether or not he, or she, or they have any property or interest therein, he, or she, or they shall forfeit triple the value thereof, to be levied as enacted in the said Section XLII.

penalty for abetting the retaining on shore, or relanding of tobacco, &c.

Second. If any person or persons shall be convicted, in the mode prescribed in Section XLII., of having assisted or concealed the retaining on shore or re-landing of tobacco, foreign snuff, or ganza, liable to confiscation under Clause Fourth of the preceding Section, whether or not he, or she, or they have any property or interest therein, he, or she, or they shall forfeit triple the amount of the drawback allowed thereon, to be levied as prescribed in Section XLII.

See Sec. iii. Act XXIV. 1830.

Penalty of selling tobacco, &c., without license:

XXXVI. If any person or persons shall sell, or offer for sale, any tobacco, or foreign snuff, *or ganza*, in the island of Bombay, or Old Woman's Island, or Colaba, without being a licensed retailer, under the provisions of Section XXIII. of this Regulation, the said article shall be confiscated as above said, and the said person or persons shall each forfeit triple its value, on conviction in the mode described in Section XLII.

Superseded as respects ganza by Act II. 1841.

penalty for not renewing license:

XXXVII. Every retailer of tobacco, foreign snuff, or ganza, failing to renew his license, as prescribed in Section XXIV., shall, if he be found to continue such retail trade, be dealt with as an unlicensed retailer.

penalty for not affixing board, &c.

XXXVIII. Every retailer of tobacco, or foreign snuff, or ganza, who shall fail to distinguish his place of sale, as prescribed in Section XXV., shall forfeit his license, and shall be dealt with as an unlicensed retailer.

penalty for fraudulent return.

XXXIX. Every retailer of tobacco, foreign snuff, or ganza, who shall be convicted of falsehood and fraud in making the return specified in Section XXVI., shall forfeit the sum of 200 rupees for every such warehouse, shop, or other place of sale, as specified in the above-cited section, by such retailer used, and double the amount of the duty for such tobacco, foreign snuff, or ganza, respectively, as may be concealed, and not entered as therein directed, together with all such tobacco, foreign snuff, and ganza which shall be found therein, and all casks, boxes, and packages containing the same.

Seizure of tobacco, &c. liable to confiscation by custom officers and others.

XL. *First.* Any officer (either European or native) of the Bombay custom-house, or employed in the collection of land revenue at Bombay, or in the police, shall, on finding any tobacco, or foreign snuff, or ganza which is liable to confiscation under any of the provisions contained in Sections XXXIV. XXXV. and XXXVI., seize the same and convey it to the custom-house warehouse, with any other articles liable to seizure under the above-cited provisions, there to remain in charge of the collector of sea customs, until it be either redeemed or confiscated by the process in the sequel.

Search-warrant for tobacco, &c. on information.

Second. If any credible person shall give information on *oath* to the collector of sea customs, that any tobacco, or foreign snuff, or ganza, liable to confiscation under any of the provisions contained in Sections XXXIV. XXXV. and XXXVI., is to be found in any building or place in the island of Bombay, or Old Woman's Island, or Colaba, or in any vessel in the harbour or waters thereof, the said collector of sea customs shall issue a warrant, under his hand and seal, to a constable or other public officer, commanding him to enter the said building, or place, or vessel, between sunrise and sunset, and, if necessary, to break open doors, or chests, or any sort of fastening or packages, and to seize the said articles, with any other article which may be liable to seizure under any of the provisions contained in Sections XXXIV. XXXV. and XXXVI., and convey it to the custom-house warehouse, there to remain, as above said, until either redeemed or confiscated by the process in the sequel.

Provision for the restoration of articles proved to have been unduly seized;

XLI. *First.* If any person shall appear as proprietor, or his agent, of the tobacco, or snuff, or ganza, seized by virtue of the preceding section, within ten (10) days from the seizure, and intimate to the collector of sea customs an intention to prove that it was imported, and had been kept or removed according to the enactments in force, and that all dues had been paid, the said person shall, if he prove the same by suit in the Court of Petty Sessions, to be instituted within twenty (20) days from the seizure, recover the said article, which shall be restored, and also any articles that may have been seized with it.

See Act VII. 1836.

and confiscation in default of such proof.

Second. But if no such person shall appear within ten (10) days, or having appeared, shall not institute the suit within twenty (20) days from the seizure, the article seized shall be confiscated, and disposed of as directed in Section XLIII. Clauses Second and Third, unless the owner (or some one on his behalf) of any article which may have been seized with the said tobacco, or ganza, or foreign snuff, should appear as described in Clause First of this section, and make the proof therein described, in which case he shall recover any article that may be proved to be his own property, but the remainder shall continue liable to be confiscated, and disposed of as above provided, unless recovered under the preceding rules.

The above penalties to be enforced by distress and sale, and, if necessary, by imprisonment.

XLII. The forfeiture specified in Sections XXIX. and XXXI. for a breach of the rules contained in those sections respectively, those incurred by abetting the smuggling of tobacco, or foreign snuff, or ganza, as described in Section XXXV., or by selling any of those articles without a license, as prescribed in Section XXXVI., or under an expired license, as described in Section XXXVII., or by a violation of the rules for retail dealers contained in Sections XXXVIII. and XXXIX., shall be adjudged by the Court of Petty Sessions, on proof of the offence adduced by the collector; the pecuniary forfeitures, if not otherwise paid, being levied on warrant from the said court by distress and sale of the offender's property; and, in case such distress and sale shall prove ineffectual in producing the realization of the amount of any such pecuniary forfeiture, it shall be lawful for the said Court of Petty Sessions to commit by warrant the offender to the Gaol of Bombay, there to remain for such period as the said court, in the exercise of its lawful powers, may determine: pro-

vided, however, that such offender shall at any time be set at liberty upon payment of the forfeiture adjudged against him, together with all reasonable charges.

XLIII. *First.* Articles confiscated by virtue of any of the rules contained in Sections XXXVII. XXXVIII. and XXXIX. shall be disposed of for the benefit of Government by public auction, to be conducted at the custom-house during office hours; and a week's previous notice thereof, specifying the articles and the time of sale, shall be given by advertisement in the newspaper used for Government notifications.

Confiscated articles to be sold by auction.

Second. Articles confiscated by virtue of any of the rules contained in Sections XXXIV. XXXV. and XXXVI. shall also, with the exception specified in the following clause, be disposed of in the mode specified in the preceding clause, and one-half of the price realized shall be paid to the informer, the remainder, or if there be no informer, the whole, being disposed of as the Governor in Council may direct.

the informer in certain cases receiving half of the value.

Third. If tobacco, foreign snuff, or ganza, offered for sale under Clause Second of this section, do not produce a price equal to the customs due, it shall not be sold, but shall be burnt, or otherwise effectually destroyed, on the spot.

Special case of smuggled tobacco, &c. not selling for the amount of duty.

CHAPTER IX.

RESTRICTIVE RULES FOR THE RETAIL SALE OF POISONOUS SUBSTANCES WITHIN THE ZILLAHS SUBORDINATE TO THE PRESIDENCY OF BOMBAY.

XLIV. *First.* All persons not having a license from the collector, as hereinafter provided, are prohibited from selling by retail, within any of the zillahs subordinate to the presidency of Bombay, any of the undermentioned substances, on pain of punishment, as specified in Regulation XIV. A.D. 1827, Section XX. Clause First.

Prohibition on pain of punishment against the vend of poisonous substances without a license;

- Mineral poisons ...
  - Antimony
    - Glass of
    - Crocus of
  - Arsenic...
    - Red
    - White
    - Yellow
  - Cobalt.
  - Lead ...
    - Burnt
    - Red
    - Sugar of
    - White
  - Verdigris.
  - Vitriol, blue.
- Vegetable poisons ...
  - Cocculus Indicus.
  - Napellus Moysis, or Bichlnak.
  - Nux Vomica.

Second. The collector of each zillah will grant at his discretion licenses, to be in force for one year, for the retail sale of the substances enumerated

particulars of the license;

Appendix (C).

in the preceding clause; the license to be granted shall be in the form of Appendix (C); previously to its being delivered, it shall be registered in the collector's office, and a fee of three (3) rupees shall be paid for the

The duty of licensed venders.

XLV. *First.* Every licensed retailer of the poisonous substances enumerated in Clause First of the preceding section shall, with regard to such of them as the magistrate may specify, be careful, on the occasion of each sale, to ascertain the purpose for which the articles are required, and shall keep a book which shall contain an entry of each sale, specifying the article sold, its price, the date of sale, and the name, caste, and place of abode of the purchaser; the book shall be produced whenever called for by the magistrate, and shall be open for inspection to any officer duly authorized by him to examine it.

Punishment for breach of it.

Second. A retailer failing to conform to any of the rules laid down in the preceding clause will, in addition to the penalties assigned to the offence in Regulation XIV. A.D. 1827, Section XX. Clause Second, be liable to the forfeiture of his license, on intimation to that effect by the collector.

CHAPTER X.

RULES REGARDING THE IMPORTATION OF LIQUORS AT BOMBAY, AND DUTIES TO BE LEVIED THEREON.

Spirituous liquors to be warehoused when landed.

XLVI. *First.* All spirituous liquors landed at Bombay shall be placed in the custom-house warehouses, or in warehouses under charge of the custom-master and the importers.

See Acts XXV. 1836, and I. 1838.

Spirits illicitly imported to be confiscated and sold. How the proceeds to be disposed of.

Second. All spirits attempted to be illicitly imported will be seized, confiscated, and sold for the benefit of the Company. One moiety of the amount of the sales will be paid to all informers, and the parties offending be sent to the senior magistrate of police, to be punished as the law directs.

XLVII. [Rates of duty on spirits.] *Rescinded by Section II.; and see Schedule A, Act I.* 1838.

XLVIII. [Town duty on spirits.] *Rescinded by Act XIX.* 1844.

Rate of duty on the spirits manufactured on the islands of Salsette, Caranja, and Fort Victoria.

XLIX. *First.* A duty of a quarter of a rupee per gallon to be levied on all spirits manufactured from articles bonâ fide the produce of the islands of Salsette, Caranja, and Fort Victoria; but all imports of spirits from these territories, manufactured from articles other than the produce thereof, shall be subject to the duty of half a rupee per gallon.

See Sec. ii. *Reg. XXXIII.* 1827, and note thereon; also Acts I. 1835, and XXIV. 1850.

Certificates under which they are to be levied.

Second. Certificates must be produced from the collectors of the places, that the spirit intended to be imported has been manufactured from articles the growth of those territories, to exempt the said spirits from the payment of the higher rate of duty.

L. [Drawback on re-export of spirits.] *Rescinded by Section II. Act I.* 1838, *and see Schedule A of that Act.*

LI. No drawback will be allowed on the export of any portion of a consignment, the proof of which shall be below its strength at the time of importation, which is to be ascertained by the custom-master on the import of the article.

No drawback to be allowed on spirits which shall be below their import strength.

LII. [Duty on spirits imported on foreign bottoms.] *Superseded by Act VI.* 1848.

LIII. [Duty to be levied on actual quantity, and no deduction for leakage.] *Superseded by Act XIII.* 1841.

CHAPTER XI.

See *Sec. ii. Reg. XXXIII.* 1827, and note thereon; also Reg. X. 1833, and Act XXIV. 1850.

LIV. *First.* No spirituous liquors shall, under the penalties specified in Section LXVIII., be manufactured in any part of the territories subordinate to the presidency of Bombay, except within the Sudder distilleries, specified in Section LVI., or by license, as authorized by Section LVIII., or under control of a farmer, according to the provisions of Section LX.

Prohibition of the manufacture of spirits except in Sudder distilleries, by license, or under a farmer;

Second. The term "spirit," or "spirituous liquor," is to be understood to include toddy in a fermented state, and the term "manufacture" includes the process by which the said fermented toddy is procured, whether the fermentation be produced by natural or artificial means.

including fermented toddy.

Third. But as there may be practical objections to carrying on the said process within a Sudder distillery, toddy is exempted from the restrictions in this chapter, and its manufacture in the usual ways is allowed to be carried on by licensed venders of it, according to the provisions of Section LXVI., or by a farmer, as prescribed in Section LX.

Toddy to be manufactured by license, or under farmer.

LV. The superintendence of the manufacture as above stated, as well as the sale and all matters connected with the use of spirituous liquors at subordinates, shall be conducted by the collector of land revenue in each respective collectorate, unless an officer be specifically appointed for the purpose by the Governor in Council, in which case the functions enacted to be exercised by the said collector shall devolve on the officer so appointed.

Superintendence of the manufacture of spirits.

LVI. *First.* One or more spots of ground at such towns in each collectorate, as the collector, under instructions from Government, may choose for the purpose, shall be enclosed by a wall or such other fence as the Governor in Council may direct, and they shall be denominated "Sudder distilleries."

Enclosed Sudder distilleries.

Second. Each Sudder distillery shall be furnished with a native superintendent, to be denominated "Darogha," who shall keep an account of the quantity and strength of the spirits manufactured therein, and shall be responsible that none is removed therefrom, except in conformity to the rules prescribed.

Native superintendent.

Third. It shall be the duty of the collectors to issue instructions for the internal management of Sudder distilleries, particularly with a view to prevent the mixture of noxious drugs and encourage the use of the best materials.

Materials of manufacture.

Admissibility to manufacture spirits therein;

LVII. *First.* Any person shall be admitted to manufacture spirits within the Sudder distilleries, but shall not have any claim to be provided with any sort of materials or machine for that purpose.

Raw mowra admissible with the collector's pass to be warehoused, and removable only with a pass.

Second. Raw mowra is permitted to be brought to any place for the purpose of being manufactured in a Sudder distillery, provided it be furnished with a pass from the collector; but it shall be kept in a warehouse, of which the collector and the owner shall each have a key, until required for use, and shall then not be removed without a pass from the collector.

Spirits removable from Sudder distillery only for private consumption or retail sale; strength to be 25 per cent. below London proof; duties to be previously paid;

Third. No spirituous liquor shall be removed from a Sudder distillery, except for private consumption or retail sale, according to the provisions of Section LXIII., and it shall be reduced to a strength not exceeding 25 per cent. below London proof, previously to being removed.

Fourth. No spirits shall be removed previously to payment of the prescribed duty.

such duties not to exceed those now levied.

Fifth. The rate of duty per Surat maund weighing 1,480 *Surat rupees, to be levied on the spirits manufactured in the Sudder distilleries, shall be annually fixed by the collector, with the approbation of Government, and shall not exceed the rate now levied.*

See Sec. ii. Reg. XXXIII. 1827, and Sec. ii. Act XXIV. 1850.

Licenses to distil spirits at places above six miles from Sudder distillery granted at discretion of the collector.

LVIII. *First.* At places situated at a greater distance than six miles from a Sudder distillery, the manufacture of spirits may be conducted by license from the collector, to be granted at the discretion of that officer under the following rules.

If for manufacturer's consumption, license to be in form of Appendix (D); duty to be previously paid:

Second. If the spirits be intended for the consumption of the manufacturer, the license shall specify, as in the form of Appendix (D), the time of manufacture and the quantity to be manufactured and the duty to be levied, which duty shall be fixed as prescribed in *Section LVII. Clause Fifth*, and shall be paid previously to issuing the license.

See Sec. ii. Reg. XXXIII. 1827, and Sec. ii. Act XXIV. 1850.

If for retail sale, the license for both purposes will be combined.

Third. If the spirits be intended for sale (which is allowed only by retail according to the provisions of the following chapter), the permission to manufacture will be included in the license for sale as prescribed in Section LXII.

Office of abkary darogha;

LIX. *First.* At the places contemplated in the preceding section a native officer may be appointed, under the denomination of abkary darogha, to superintend the manufacture and sale of spirit under the collector's control, and the limits of the district in which he is to act shall be fixed by the collector, subject to the approval of the Governor in Council.

who may hold at the same time any other revenue office.

Second. The said office of abkary darogha may be united with any other revenue office in the same person, when the quantity of business will admit of the duties being properly performed.

Farming of abkary duties in remote districts;

LX. *First.* In remote pergunnahs or publicly known divisions of a collectorate, situated beyond reach of a Sudder distillery, and so circumstanced that the rules for licensing manufacture as well as sale of spirits are difficult to be applied, so as to effect their purposes, collectors are authorized to let the duties on the said manufacture and sale to farm for a period not exceeding one year.

tenders.

Second. In such cases, advertisements for tenders shall be published by

the collectors, which shall specify the conditions of taking the farm, and the highest offers accompanied by good security shall be accepted.

Third. The farmer shall be competent to make any arrangements for collecting duties on the said manufacture and sale that he may consider most productive, provided personal liberty and property be not interfered with, otherwise than by the penalties enacted in Chapter XIII. of this Regulation: the amount of duties is to be wholly at the farmer's discretion, provided that they do not exceed those at present levied, and also the disposal of fines and confiscated articles and rewards to informers, and the choice of individuals who are allowed to manufacture or sell liquor. Authority to be possessed by the farmer;

Fourth. It is to be distinctly understood, that nothing contained in the preceding clauses of this section is meant to prevent a collector from granting in farm the abkary duties in other parts of the collectorate beside those specified in Clause First of this section, and under the stricter system of control which would in such case be applicable. but farmers may be constituted under other rules.

CHAPTER XII.

See Acts XVIII. 1940, and V. 1942, in respect of Bombay.

RULES UNDER WHICH SPIRITUOUS LIQUORS OF COUNTRY MANUFACTURE ARE ALLOWED TO BE SOLD AT STATIONS SUBORDINATE TO THE PRESIDENCY OF BOMBAY, AND DUTY TO BE LEVIED THEREON.

LXI. *First.* No spirituous liquors of any such sort as is manufactured in the territories subordinate to the presidency of Bombay (in which toddy is included by the second clause of Section LIV.) shall, under the penalties specified in Section LXVIII., be sold in the said territories except under the following circumstances. Country spirits not to be sold in the aforesaid,

1. Liquors manufactured in the Sudder distilleries mentioned in Section LVI. which may be retailed under the provisions of Section LXIII. except they be prepared at Sudder distilleries;

2. Liquor manufactured at a distance from Sudder distilleries by virtue of Section LVIII. which may be retailed under the provisions of Section LXIV. or elsewhere under license;

3. Liquor imported into places at a distance from Sudder distilleries as described in Section LVIII. which may, under the provisions of Section LXV., be retailed by licensed retail dealers. or imported under license:

4. Toddy, which wherever manufactured may be retailed under the provisions of Section LXVI. exception respecting toddy;

5. Liquor manufactured or imported under control of a farmer by virtue of Section LX., which is free from any restrictions except such as he may impose in conformity to the provisions of the said section. and liquor prepared and sold under a farm.

LXII. *First.* Licenses for retail sale shall be issued by the collector; each license shall be for one official year, or, if not taken out at the commencement, for such part of it as may remain unexpired. Licenses for retail sale.

Second. And the security of two responsible persons shall be furnished for due performance of the conditions of the license, unless in lieu thereof the vender make a deposit in cash equal to the amount of periodical duty payable for one month. Securities or deposit.

Third. If a vender fail to pay the periodical duty for fifteen (15) days after it becomes due, the license shall be cancelled, unless the collector is Period in which a license may be cancelled

for nonpayment of duties:

satisfied that the failure did not proceed from design to defraud the public revenue; in which case he is authorized to postpone the annulment of the license for fifteen (15) days more.

Provision for the surrender of licenses.

Fourth. And a vender may surrender his license on paying a sum equal to the duty leviable for one month in advance.

Licenses for retail sale at Sudder distilleries. Appendix (E).

LXIII. *First.* Licenses for the retail sale of spirits manufactured at a Sudder distillery shall be issued in the form of Appendix (E), and under the conditions therein expressed: the amount of duty shall be determined by the quantity of spirits agreed to be received each day, and shall be paid daily by the venders.

Duty to be paid daily.

Pass for liquor removed, and certificate thereon. Appendix (F).

Second. Liquor shall not be removed from the Sudder distillery without a pass from the collector, to be renewed monthly, in the form of Appendix (F), and the darogha shall certify on the back of the pass, at each delivery of spirits, their quantity and the hour at which delivered, and the liquor shall be carried forthwith to the place of sale.

Pass for extra supplies of liquor. Appendix (G).

Third. Holders of the licenses adverted to in this section may receive from the Sudder distillery extra supplies of spirits besides the quantity specified in the licenses, on being furnished with a pass in the form of Appendix (G) and previously paying the duty thereon.

Registers of passes.

Fourth. Collectors shall keep registers of the above-said passes, and they shall be returned by the venders when the period for which they were issued has expired.

Provisions for the jurisdiction of superintendents of military bazars.

Fifth. In cases where the liquor is intended for sale at a military cantonment to which the provisions of Chapter IX. Regulation XXII. A.D. 1827, are applicable, the licenses mentioned in Clause First of this section shall be issued by the superintendent of bazars, instead of the collector, and such other deviations from this Regulation as shall result from a strict attention to those provisions are hereby sanctioned and prescribed.

Licenses for manufacture and sale at other places. Appendices (H) and (I).

LXIV. *First.* Persons desirous of taking out licenses for manufacture and sale of spirits at a distance from Sudder distilleries by virtue of Section LVIII. shall state in their application whether the manufacture and sale are to be conducted at the same place, or at different places, and the licenses shall be in the form of Appendix (H) or (I) respectively, and under the conditions therein specified.

Written agreements.

Second. Written agreements shall be made by such venders, binding themselves in such penalty as may be agreed upon, to fulfil the same conditions.

A license required for each still.

Third. Each license shall authorize only one still; but it is not intended to prohibit an individual from using any number of stills on separate licenses.

Periodical payment of duties.

Fourth. The duties shall be fixed in the mode prescribed in *Section LVII. Clause Fifth,** according to the best information obtainable by the Collector of the quantity of spirits which each still probably produces, and shall be paid periodically at the expiration of every ten or fifteen days, or month, as the collector may consider expedient.

Prohibition of importation of spirits within six miles of a Sudder distillery;

LXV. *First.* The importation of spirits, as described in the first clause of Section LXI., within six (6) miles of a Sudder distillery, or of any

* See Sec. ii. Reg. XXXIII. 1827, and Sec. ii. Act XXIV. 1850.

town where there is a Sudder distillery, is expressly prohibited; nor shall any one sell such imported spirits at places to which the said prohibition does not extend, unless he be a licensed vender, under the provisions of Section LXII.

Second. When such licensed vender is desirous of retailing such imported spirits, he must be furnished by the collector with a license, according to the form of Appendix (J), which shall continue in force for a period of three months; after which, if any of the spirits remain on hand, they shall either be given up to the collector, to be destroyed, or a fresh license, for sale of the remainder, shall be taken out. License for retailing imported spirits. Appendix (J);

Third. Duties, as prescribed in *Section LVII. Clause Fifth,** shall be paid on the quantity specified in the license, and if a fresh license for sale of any remaining quantity be taken out, the duties on that quantity are to be levied as if it were an original license. Duties thereon.

LXVI. *First.* Toddy may be sold by retail by venders furnished with licenses from the collector in the form of Appendix (K), under the conditions therein specified. Toddy to be sold on license. Appendix (K);

Second. Duties shall be paid periodically, at such intervals as the collector may consider expedient, and the amount to be fixed as prescribed in *Section LVII. Clause Fifth,** shall be regulated by a computation of the quantity made from the best information which the collector and vender can procure. Duties thereon.

CHAPTER XIII.

PENALTIES FOR BREACH OF THE RULES CONTAINED IN CHAPTERS XI. AND XII., MODE OF ENFORCING THEM, AND REWARDS TO INFORMERS.

LXVII. *First.* All investigations which it may be necessary to institute respecting offences against the prohibitions specified in Chapters XI. and XII. of this Regulation shall be conducted by the collectors of the land revenue, and it shall be competent to any revenue officer to apprehend persons detected in committing the said offences, and to seize unlicensed stills, and smuggled liquor, and materials or machines for making it. Enforcement of prohibitions by the collector.

Second. Whenever any charge may be preferred, or information lodged against any person for infringement of any of the said prohibitions, or whenever reasonable ground of suspicion shall incidentally appear that the same has been committed, it shall be competent to the collector to cause the person charged with or suspected of the said offence to be apprehended, in order that a regular inquiry may be made into the merits of the case. Suspected persons may be apprehended;

Third. Investigation, under this section, shall be commenced immediately on the arrival of the party accused or suspected at the kuchery of the collector, and shall be prosecuted with the least possible delay. and the investigation shall be conducted without delay.

Fourth. To aid the detection of illicit manufacture and sale of spirituous liquors, the collector shall be competent to issue search warrants, for the discovery of unlicensed stills or smuggled liquor. Issue of search-warrants for discovery of smuggling.

* See Sec. ii. Reg. XXXIII. 1827, and Sec. ii. Act XXIV. 1850.

on strong grounds of suspicion;

Fifth. The search warrants mentioned in the last preceding clause shall be issued only when the collector shall have strong grounds to believe, either from charges specially preferred, or from his own personal knowledge, that spirituous liquors are illicitly manufactured, sold, or deposited on the premises proposed to be searched.

mode of their execution;

Sixth. Search warrants shall be addressed to some officer on the fixed establishment of the collector, and shall only be executed in the daytime, that is between sunrise and sunset, and, if possible, in the presence of two or more respectable inhabitants of the place, in which the house or place proposed to be searched may be situated.

restriction.

Seventh. It shall be the duty of the magistrate, and all other police officers and servants, to support the officers of the collector in the discharge of the duty which may be delegated to them under this section; provided, however, that nothing contained in these rules shall be construed to authorize any of the said individuals to enter the zenana, or apartments of the women, in houses belonging to persons of those classes whose women do not ordinarily appear in public.

Fine not exceeding rupees 500 commutable to imprisonment not exceeding six months in the civil gaol for breaches of Regulation.

LXVIII. *First.* Any person convicted before the collector of the offence of manufacturing spirits, contrary to the provisions of Section LIV., or importing mowra, contrary to the provisions of Section LVII., or removing spirits from a Sudder distillery, contrary to the provisions of the said section, or of selling spirits, contrary to the provisions of Section LXI., or of importing or selling spirits, in violation of the provisions of Section LXV., shall be adjudged by the collector to pay such fine as on due consideration of the circumstances of the case may be deemed proper, not exceeding five hundred (500) rupees; to be commuted, in default of payment, to a period of imprisonment not exceeding six months, in the civil gaol, which shall be enforced by the judge, on application by the collector, who will also furnish the subsistence-money required by the Regulations.

Proprietors and managers of land conniving at illicit manufacture and sale of spirits, prosecutable before the *criminal* judge by the collector with sanction of Government;

LXIX. There being reason to believe that proprietors, farmers, and managers of land, both paying revenue to Government and held free of assessment, frequently authorize or connive at the establishment of shops for the illicit manufacture or vend of spirituous liquors, it is hereby enacted, that, on all occasions of such nature, it shall be the duty of the collector to prosecute persons so offending before the Criminal Court of the zillah, provided the sanction of Government be previously obtained, but not otherwise; and if it shall be proved to the satisfaction of the court, that any proprietor, farmer, tehsildar, gomashta, or other manager of land, shall have authorized or connived at the illicit establishment of a shop for the manufacture or sale of spirituous liquors or toddy, the said court shall adjudge the offender to pay such a fine to Government, commutable to such a period of imprisonment as it may deem proportionable to the offence, due consideration being had to the situation in life, and to the pecuniary circumstances of the said offender.

punishable by fine or imprisonment.

Confiscation of illicit liquor, stills, &c.

LXX. If any illicitly manufactured or imported liquor, or materials for making it, or unlicensed still, be seized, they shall be forthwith confiscated, and effectually destroyed,

Provision for the release and reimbursement of persons unduly charged;

LXXI. *First.* Persons proceeded against by virtue of the provisions contained in this chapter, who shall not have been convicted of the offence with which they stood charged or suspected, shall be immediately released, and the expense to which they have been actually subjected by the inquiry shall be paid to them by the collector on the part of Government; should it further appear, on investigation, that the inquiry originated in malice, or in motives clearly vexatious and unwarranted on the side of the informant, it shall be competent to the collector, unless such party should prefer seeking redress by action for damages in a civil court, to compel such informant to pay to the party aggrieved such moderate fine, not exceeding, however, in any case, twenty (20) rupees, as may appear reasonable, or to cause him to be confined in the criminal gaol for a period not exceeding fifteen (15) days; orders passed under this rule shall be enforced by the *criminal* judge, on his receiving the offender with a certificate from the collector, stating his name, the offence proved, and the sentence passed.

and for fining or imprisoning malicious informants.

Persons feeling aggrieved may appeal to Government, *or institute a civil suit.*

Second. Persons deeming themselves aggrieved by any investigation instituted under this chapter, or by the judgment passed by the collector, or in any other respect, shall be at liberty (*unless they should, in preference, institute a suit for damages in the Civil Court*) to make their complaint to Government, either through the medium of the collectors themselves, or by means of vakeels; and the Governor in Council, after calling for such information as he may require from the collector, shall confirm or modify the judgment given, or pass such other orders on the subject as may appear to him most conformable to the principles of substantial justice.

Superseded by Act VII. 1836.

Distribution of the fines.

LXXII. *First.* A moiety of any fines which may be levied under the provisions contained in this chapter shall be paid to the person, or divided, at the discretion of the collector, among the persons through whose means the illicit proceeding may have been detected.

Rewards in cases of inability to pay fine.

Second. In cases in which an offender may be unable to pay the fine which has been adjudged, a reward of ten (10) rupees shall be paid on the part of Government to the informant or informants, in lieu of his or their share of the above-mentioned fine; but this donation shall not be made in cases where the information concerns one who is a farmer of the duties by virtue of Section LX.

The above provisions to be executed by the collector on information by the farmer.

LXXIII. When there may be a farmer by virtue of Section LX, the authority conferred by this chapter shall be exercised by the collector on information being given by the farmer, but not otherwise; such prohibitions as the farmer may institute consistently with the said section being held as substituted for those specifically enacted.

APPENDIX (A).

(See Section XI. Clause First.)

Appendix (A).

Form of license to keep and retail opium.

Whereas, by the authority of the Governor in Council, I, A. B., collector of ———, authorize C. D. ——— to keep and retail opium at his shop, situated (here describe the situation) in the (village, town, or city) of ———, in the pergunnah of ———, in this collectorship, from the date hereof to the ensuing Dewallee, being a term of ———; it is required of the said C. D., as a condition of his license remaining in force, that he duly and faithfully perform the following articles:—

1. That he be in no ways concerned in the smuggling of opium, nor in the harbouring or concealing smuggled opium.

2. That he keep or sell opium at (here describe the situation of the shop) only under this license.

3. That he keep a board fixed up at his shop, with an inscription specifying that opium is sold there.

4. That he make every month a return of his sale, as prescribed in Section XV. Clause First, Regulation XXI. A.D. 1827.

5. That he keep the book described in Section XVI. Regulation XXI. A.D. 1827, and offer no obstruction to the inspection thereof, and to the search of his shop by the collector or any person furnished with his order for the purpose.

Upon the due performance of the above specified conditions, this license will remain in force during the term above specified; but C. D. is further informed, that he must not, without permission duly granted, as specified in Section XIII. Regulation XXI. A.D. 1827, sell more than a quarter of a Surat seer of opium to the same person within three successive days, or he will be liable to a fine of twenty (20) rupees per Surat seer for the quantity so sold in excess, as provided in the said section, and that any violation of this rule, or of the orders of the collector, will prevent his obtaining a renewal of his license.

(Signed) A. B.,
Collector.

Office of the collector of ———,
—— day of ——, 18—.

APPENDIX (B).

(See Section XXIII.)

Superseded in respects ganza by Act II. 1841.

Appendix (B).

Form of license to keep and retail tobacco, or snuff, *or ganza*.

Whereas ——— has applied to us for a license to sell tobacco (snuff, *or ganza*), and has produced a certificate from the collector to the effect stated in Section XXVII. of Regulation XXI. A.D. 1827; we have accordingly granted ——— the same, on condition that ——— duly and faithfully perform and abide by the conditions hereunder written:—

1. That the place (or places) at which ——— authorized to keep a shop for the retail of tobacco (snuff, or ganza), is (or are) the following, viz.:—

2. That ——— not to open a shop for the retail of tobacco (snuff, *or ganza*), at any other than the place (or places) above stated.

3. That ——— will not open —— shop before sunrise, nor keep it open after 9 p.m., and that —— will not harbour any person in it during the night.

4. That ——— will cause a board to be exposed to public view outside the said ——— bearing the following inscription: "Licensed retailer of tobacco (snuff, *or ganza*)."

Upon any breach of the above conditions, or of any of the enactments of Chapters V. VI. VII. and VIII. Regulation XXI. A.D. 1827, this license shall be held to be forfeited.

Given under our hands and seals this —— day of ———, 18—. This license will continue in force until ———, the —— day of ——— next, and no longer.

APPENDIX (C).

(See Section XLIV. Clause Second.)

Form of license to retail poisonous substances. Appendix (C).

I, A. B., collector of ———, hereby license C. D., by caste ——, inhabitant of ———, to sell, by retail within the village (town, or district) of ———, for one year from the date hereof, the poisonous substances specified in Chapter IX. Regulation XXI. A.D. 1827. The said C. D. will strictly conform to the rules contained in Regulation XXI. A.D. 1827, Section XLV., on failure whereof, and on intimation to that effect by the collector, this license shall be held to be forfeited and annulled.

(Signed) A. B.,
Collector.

Collector's Office,
—— day of ——, 18—.

APPENDIX (D).

(See Section LVIII. Clause Second.)

Form of license for the manufacture of spirits for private consumption beyond the limits of Sudder distilleries. Appendix (D).

Whereas, by the authority of the Governor in Council, I, A. B., collector of ———, hereby authorize C. D. to manufacture on the —— day of ——— next, and ——— ensuing days, at (here mention the place), —— gallons of ———, for his private consumption, the duty thereon amounting to rupees ——— having been paid: the said C. D. is hereby informed, that unless the particulars herein mentioned are adhered to, and such other orders as the collector of ———, or any person duly authorized by him, may have communicated, or shall communicate to C. D. previously to the completion of the above-specified term, are obeyed, this license is void and of no effect.

Registered No. —— of ———.

Office of the collector of ———,
—— day of ——.

(Signed) A. B.
Collector.

APPENDIX (E).

(See Section LXIII. Clause First.)

Form of license for retail sale of spirits manufactured within a Sudder distillery. Appendix (E).

I, A. B., collector of ———, do hereby, under the following conditions, authorize C. D. to open a shop for the retail of spirits at ——— :

1. All spirits sold at the said shop shall be manufactured within the Sudder distillery at ———.

2. The said C. D. shall pay to Government a daily tax of ———, and shall be entitled to pass from the Sudder distillery ——— maunds of spirits per diem during the year A.D. 18—.

3. The said C. D. shall be entitled to pass from the Sudder distillery such further quantities of spirits as he may require for consumption in his shop, upon payment of a duty of ——— per maund.

4. A regular pass shall be granted by the collector, on the first day of every month, to the said C. D., to enable him to pass the prescribed quantity of spirits from the distillery.

5. Extra passes shall be granted to C. D. on application, the duty being previously paid.

6. Any attempts to vend spirits manufactured at any other place than the Sudder distillery above described, or to remove spirits from the Sudder distillery without a pass, or without payment of the established duty, will subject the said C. D. to the forfeiture of this license,

Appendix (E), *continued.*

and to the penalties prescribed by Regulation XXI. A.D. 1827, to be inflicted on unlicensed vendors.

7. The said C. D. further engages strictly to attend to such directions as the magistrate may issue to him, as to the time at which his shop is to be shut, the quantity of liquor which he shall furnish to persons, the conduct of those who frequent the shop, and generally on points connected with the discouragement of vice and crime; any failure in this particular will subject him to forfeiture of his license.

Given under my hand and seal, this —— day of ——, 18—.

Registered No. —— of ——.

(Signed) A. B.,
Collector.

APPENDIX (F).

(See Section LXIII. Clause Second.)

Appendix (F).

Form of pass for removing liquor from a Sudder distillery.

Nahan Poora Shop.

Nowrojee Byramjee.

Pass —— maunds of spirits per diem from 1st to 31st of ——, 18—.

(Signed) A. B.,
Collector.

Shop No. ——. Pass No. ——.

To be signed by the head officer of the Abkary Mehal. On the back of this pass the darogha of the Sudder distillery shall each day attest the issue of the quantity of spirits specified, and the hour at which it is removed.

APPENDIX (G).

(See Section LXIII. Clause Third.)

Appendix (G).

Form of pass for removing extra quantities of liquor from a Sudder distillery.

Extra Pass No.

Nahan Poora Shop.

Nowrojee Byramjee.
No. ——.

Received Rupees ——.

Pass —— maunds of spirits this day, the —— of ——, 18—.

(Signed) A. B.,
Collector.

(L. S.)

To be signed or sealed by the head officer of the Abkary department.

APPENDIX (H).

(See Section LXIV. Clause First.)

Appendix (H).

Form of license for the manufacture and sale of spirits at one and the same place, being six miles distant from any Sudder distillery.

Whereas, by the authority of the Governor in Council of Bombay, I, A. B., collector of ——, authorize C. D. to work a still and keep a shop for the manufacture and sale of spirituous liquors at ——, in the pergunnah ——, during the year ——, A.D. ——: it is required of the said C. D., as a condition of this license remaining in force, that he duly and faithfully perform and abide by the following articles:—

1. That he pay to Government a daily tax of —— *Surat* rupees.

2. That he use only one still, and that such still shall not contain more than one hundred and ninety-two (192) seers of water, each seer weighing thirty-seven (37) *Surat* rupees. Appendix (H), *continued.*

3. That he confine the vend of the produce of his still to one shop.

4. That he do not harbour robbers, thieves, or riotous persons, but, on the contrary, give information to the nearest magistrate or police officer of any suspected persons who may resort to his shop.

5. That he do not receive wearing apparel, or any goods or property, in barter for liquor.

6. That he do not open his shop before sunrise, nor keep it open after sunset, and that he do not harbour any persons in it during the night.

7. That he have constantly fixed up, on the outer door of his shop, a sign or board, bearing an inscription in the current language of the country to the following effect, "Licensed vendor of spirits."

Upon any breach of the above conditions, this license shall be held to be forfeited.

All officers of Government are hereby prohibited from imposing or exacting any tax or cess, under any pretence whatever, on the said C. D., on account of the said still and shop, during the aforesaid period, beyond the tax required to be levied from him by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he conforms to the above special provisions, and to all other Regulations that relate to him.

Given under my hand and seal this —— day of ——, 18—.

(Signed) A. B.,
Collector.

Collector's Office,
Registered No. —— of ——.

APPENDIX (I).

(See Section LXIV. Clause First.)

Form of license for the manufacture of spirits at one place, and their sale at another, both being six miles distant from any Sudder distillery. Appendix (I).

Whereas, by the authority of the Governor in Council of Bombay, I, A. B., collector of ——, authorize C. D. to work a still for the manufacture of spirituous liquors at —— pergunnah ——, and to establish a shop for retailing the produce thereof at ——, for the year A.D. ——; it is required of the said C. D., as a condition of his license remaining in force, that he duly and faithfully perform and abide by the following articles:—

1. That he pay to Government a daily tax of —— *Surat* rupees.

2. That he use only one still, to be worked at ——, and that such still shall not contain more than one hundred and ninety-two (192) seers of water, each seer weighing thirty-seven (37) *Surat* rupees.

3. That he confine the vend of the produce of his still to one shop in the town (or village) of ——, the particular situation of which will be prescribed to him; and that he shall not permit any spirits, which may be manufactured by him, to be sold or disposed of at any other place, without an express license for that purpose.

(Article 4, &c. to the end as in Appendix H).

APPENDIX (J).

(See Section LXV. Clause Second.)

Form of license for the retail of imported spirits. Appendix (J).

Whereas, by the authority of the Governor in Council, I, A. B., collector of ——, authorize C. D., licensed vendor of spirits at ——, to sell within the period of three months from this date, at (here specify the place), —— gallons of ——, imported from ——, the duties on which being rupees ——, have been paid: the said C. D. is hereby informed,

Appendix (J), *continued.*

that he is required, at the end of the above-specified period of three months, to deliver up to the collector of ——— any portion of the above-mentioned quantity of ——— gallons of ——— which may remain unsold, or take out a fresh license for the sale thereof, on pain of confiscation of the above-mentioned spirits, and of forfeiture of his license to vend imported spirituous liquors as described in Clause First, Section LXI. Regulation XXI. A. D. 1827.

Given under my hand and seal this ——— day of ——— 18—.

(Signed) A. ,, Collector.

Collector's Office.

APPENDIX (K).

(See Section LXVI. Clause First.)

Appendix (K).

Form of license for the vend of toddy.

Whereas, by the authority of the Governor in Council of Bombay, I, A. B., collector of ———, authorize C. D. to open a shop for the sale of toddy in the city (town, or village) of ———, in ———, for the year ———, A.D.; it is required of him, as a condition of his license remaining in force, that he duly and faithfully perform and abide by the following articles :—

1. That he pay to Government a daily tax of ——— *Surat* rupees.

2. That he confine his sale of toddy to the shop for which his license is granted, and on no account sell any toddy without the limits of the above city (town, or village), or establish a second shop within such limits without taking out another license for the same.

3. That he prevent gaming and disorder within his shop.

(Article 4, &c. to the end, the same as in Appendix (H), with the substitution of "toddy" for "spirits" in Article 7, and "said shop" for "said still and shop" in the concluding paragraph.)

(MILITARY BRANCH.)

A.D. 1827. REGULATION XXII.*

Reg. XXII. 1827.

CONSISTING OF NINE (9) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of the convening and Power of Courts Martial; of Military Courts having Civil and Criminal Jurisdiction; Co-operation of Civil and Military Authorities for Purposes of Police; and Rules under which Civil Authorities are to aid Military Tribunals ...	I.
II.	Of the Military Courts of Requests for deciding Civil Actions for Debt, and of the Jurisdiction to be exercised by Courts Martial in Criminal Offences	VII.
III.	Of Offences and Civil Actions relating to the Military Department, but cognizable in a Civil Court	XV.
IV.	Of marking the Limits of Cantonments, and of the Appointment, Functions, and Authority of the Superintendent of Bazars ...	XXI.
V.	Process by Civil Authority, how to be conducted within the Limits of Cantonments	XXXIII.
VI.	Rules for Punishment of Offences committed by Camp-Followers during a March	XXXV.
VII.	Of the Aid which may be furnished by Civil Authorities to expedite the March of Military Forces, and of Compensation to Individuals for Damage caused by the Troops on such Occasions	XL.
VIII.	Of Requisitions for Military Aid by Civil Authorities	XLIV.
IX.	Rules relating to the Sale of Spirituous Liquors at Military Stations, and during a March	XLVIII.
	SUPPLEMENT.	
	Regulation XVII. 1831. [Rescinded by Act XI. 1841.]	

A REGULATION *to declare and define Military Authority, in its Relations to the Civil Power and to the Community at large:* PASSED *by the Governor in Council, on the 1st January,* 1827.

WHEREAS the preservation of military discipline requires that special rules for its enforcement should be provided; and whereas it is expedient that in certain cases, when persons belonging to or connected with the army are defendants, both civil and criminal jurisdiction should be exercised by courts of military constitution, in lieu of the ordinary tribunals; and further, that certain matters connected with the military department should be cognizable by civil courts;—and whereas it is also expedient that camp followers should be subject to a more direct control than can be exercised over them by the civil power; that the mode of communica- Preamble.

* By Act XI. 1841, all preceding rules respecting Military Courts of Requests were repealed. The Act 4 Geo. IV. cap. 81, so far as it related to military affairs, was superseded and repealed by the provisions of the Act 3 & 4 Vict. cap. 37.

tion between civil and military authorities should be prescribed, and their right to call upon each other for aid defined; and that means of suppressing immorality at military stations and in camps should be provided—and whereas the British Legislature has, in *Act 4th Geo. IV. chap.* 81, enacted certain rules for the above purposes, with relation to persons of particular descriptions, the same, so far as applicable, are adopted, with certain additional rules, in relation to such persons of similar descriptions as are subject to the Regulations of the Bombay Government, and are detailed in this Regulation, which shall have effect within the territories subordinate to the presidency of Bombay from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

OF THE CONVENING AND POWER OF COURTS-MARTIAL; OF MILITARY COURTS HAVING CIVIL AND CRIMINAL JURISDICTION; CO-OPERATION OF CIVIL AND MILITARY AUTHORITIES FOR PURPOSES OF POLICE; AND RULES UNDER WHICH CIVIL AUTHORITIES ARE TO AID MILITARY TRIBUNALS.

I. and II. [Convention and constitution of courts-martial.] *Superseded by Articles* 74 *to* 81 *of the Articles of War in Act XIX.* 1847.

Constitution of military courts for cognizance of civil actions and criminal offences, and specification of persons subject to their jurisdiction:

Officers:

soldiers:

III. First. The military courts hereinafter constituted by Sections VII. and IX. for the cognizance of certain civil actions and criminal offences, shall have jurisdiction over all persons of the following descriptions, belonging to the Bombay native army, and not being British-born subjects.*

1. *Officers bearing commissions in the military service of the Company.*

2. *Persons enlisted in the military service of the Company, whether non-commissioned officers or privates.*

surveyors, draftsmen, medical attendants, and all public servants appertaining to the army:

3. *Persons serving as military surveyors, or draftsmen, or in the medical, commissariat, store, or veterinary departments, and generally, all persons receiving public pay drawn by an officer in charge of a department appertaining to the army.*

suttlers and residents in camps:

4. *Suttlers and camp-followers, including all persons residing or following any occupation at a cantonment or military station.*

all but European troops belonging to Bombay:

5. *The officers and soldiers of any description of troops (except European troops) being mustered, and in pay, belonging to the Bombay establishment.*

how far such persons are exempted from civil jurisdiction:

Second. The said persons are not thereby rendered free from civil jurisdiction, except in cases which may be specifically provided for by Act of Parliament or Regulation; but it is hereby enacted, that when a civil officer shall have occasion to confine an officer or soldier, either commissioned or enlisted, he shall as soon as possible forward to the commanding officer of the station a communication, which shall be in the form of an extract from any periodical return which may be usually made by such

See Article 114, Act XIX. 1847.

* This clause is superseded as respects persons subject to the Articles of War by Article 157, Act XIX. 1847, and as respects those liable to civil actions in the Military Courts of Requests, by Sec. ii. Act XI. 1841, but it is retained here in consequence of the reference in Sec. vii. of this Regulation, as defining the persons subject to the jurisdiction of the superintendent of bazars under Sec. xxxii. of this Regulation, Sec. i. Act XI. 1841, and Article 156, Act XIX. 1847.

civil officer to a superior authority, in order to denote the nature of the charge and its result.

Third. And it is enacted in *Sections III. and XVII. of the Act 4th Geo. IV. chap.* 81, that civil magistrates and military commanding officers shall mutually aid each other in the apprehension of offenders subject to their respective authorities, the former by delivering up such as may have been apprehended by them, and the latter by using their utmost endeavour to assist the magistrate's process against officers or soldiers.

civil and military authorities to give mutual aid.

IV. Native courts-martial assembled for the purposes of trying offences against military discipline will be guided by the rules in the military code, or such articles and orders as may be in force respecting the army; and to aid their proceedings, certain rules are enacted in the two following sections similar to those contained in *Act 4th Geo. IV. chap.* 81.

Courts-martial for trying offences against military discipline, how to conduct their proceedings.

V. First. Courts-martial shall have authority to summon and examine witnesses on oath or solemn declaration, and any person not subject to military law, being duly summoned and failing to attend, shall, on complaint made by the judge advocate, or other person officiating as such, be apprehended by the magistrate of the jurisdiction in which he resides, and punished as if he had neglected to attend on a summons issued by the magistrate; and further, if the evidence of a person not subject to military law be required at a court-martial, it shall be optional with the court, through the medium of the officer whose duty it may be to conduct official communications, to make application to that effect either to the magistrate or to the Civil Court, and the authority applied to shall procure the attendance of the witness before the court-martial by such means and under such rules as may be in force for procuring the attendance of witnesses before such authority.*

How courts-martial are to procure the attendance and evidence of witnesses.

Second. [Perjury or other misconduct in witnesses, how to be punished.] *Superseded by Articles* 65 *and* 98, *Act XIX.* 1847.

Third. Witnesses shall be exempted from arrest in any civil proceeding while in attendance on a court-martial, and during the time necessary for going and returning; wherefore, if any person shall be so unduly arrested, he shall, on satisfactory proof made in a summary manner before the court under whose authority he is held in custody, be forthwith discharged.

witnesses to be exempt from arrest:

Superseded by Article 84. Act XIX. 1847.

VI. First. A prisoner sentenced by a court-martial to imprisonment, or solitary confinement, or hard labour, may be forwarded to the criminal judge of the district by the commanding officer of the district, with an authenticated copy of the sentence, which the criminal judge shall execute according to its tenor.

Sentences made by a court-martial may in certain cases be executed through the medium of the civil authority:

Second. Periodical returns of such prisoners shall be made by the criminal judge to the Sudder Foujdary Adawlut at the same time, and so nearly as the matter will admit, in the same form, as prescribed for other convicts; and when the sentence has been executed, the authenticated copy of it shall be endorsed, as usual in warrants issued by a *court of circuit*, and returned to the commanding officer.

returns to be made in such cases.

* This clause is superseded as respects courts-martial by Articles 98 and 99, Act XIX. 1847, but is retained here in consequence of the reference in Clause Third, Sec. xxv. of this Regulation.

CHAPTER II.

OF THE MILITARY COURTS OF REQUESTS FOR DECIDING CIVIL ACTIONS FOR DEBT, AND OF THE JURISDICTION TO BE EXERCISED BY COURTS-MARTIAL IN CRIMINAL OFFENCES.*

A military Court of Requests (the superintendent of bazars occasionally supplying its place) may try certain actions for debt.

Retained in consequence of the reference in Sec. xxii. of this Reg.

VII. *First. Wherever any of the Company's forces may be employed beyond the jurisdiction of the Court of Requests established at the presidency, actions for debt and all personal actions, not exceeding four hundred* (400) *Bombay rupees in amount, against a person belonging, both when the suit is instituted and also when the cause of action arose, to any of the descriptions stated in Section III. Clause First, of this Regulation, shall be cognizable before a Court of Requests composed of military officers, and not by the ordinary tribunals within the territories subordinate to Bombay:* provided, however, that the superintendent of bazars, or other staff officer when there is no superintendent, may be employed in lieu of the said court, as denoted in Section XXXII.

Clauses Second and *Third*, and Section VIII. [Constitution, practice, and powers of Courts of Requests.] *Rescinded by Section I. Act XI.* 1841.

Certain offences committed by certain persons will in some cases be tried by courts-martial.

IX.† *First. All persons of the descriptions stated in Clause First of Section III. of this Regulation shall be tried by a native general court-martial assembled and conducted according to the rules prescribed for such tribunals, and not by the ordinary Bombay criminal courts, if accused of having committed wilful murder, robbery, or other serious offence; provided that such court-martial shall not be held at the presidency; and provided, also, that the place where the offence was committed be beyond the Bombay territories;* or otherwise, that it be neither at the presidency, nor more than one mile from the limits of the principal military station in the collectorate, or other military station previously notified for this purpose in a proclamation by Government.

See Act XIII. 1837, and Act. 156, Act XIX. 1847.

and in others by the ordinary criminal courts.

Second. If the place where the offence was committed should be within the territories subordinate to Bombay, and more than one mile from the nearest limits of any military station as described in the preceding clause, the case shall belong exclusively to the ordinary tribunals of criminal judicature.

X. [Sentences of courts-martial, and their execution.] *Superseded by the Articles of War in Act XIX.* 1847.

Penalty for embezzling or damaging public stores.

XI.‡ *First. Any person of any of the descriptions specified in Clause First of Section III. employed in the care or distribution of military stores, or any sort of public property applied to military purposes, who shall embezzle or fraudulently misapply or damage (or cause or connive at the same) any such stores or public property, may be tried for the same by a general court-martial.*

* So much of this chapter as relates to Military Courts of Requests is rescinded by Section i. Act XI. 1841; but by the same Act the rules relating to the superintendents of military bazars are retained in force.

† The first part of this section is superseded as respects courts-martial by Articles 114 and 115, Act XIX. 1847, but is retained here in consequence of the references in Secs. xxvi. and xxxviii. of this Regulation.

‡ This clause is superseded, so far as it relates to courts-martial, by Article 39, Act XIX. 1847, but is retained here in consequence of the reference in Section xx.

Second. [Sentence of court-martial.] *Superseded by Article* 39, *Act XIX.* 1847.

Third. And the offender shall also make good the loss or damage which the court-martial may ascertain to have been sustained, which shall be recoverable by the process stated in Section XX. of this Regulation.

The offender is also responsible for the value.

XII. [Punishment of perjury committed by persons subject to military law.] *Superseded by Article* 67, *Act XIX.* 1847.

XIII. [No person to be tried more than once for one offence.] *Superseded by Article* 155, *Act XIX.* 1847.

XIV. [Execution of sentences of courts-martial.] *Superseded by Article* 84, *Act XIX.* 1847.

CHAPTER III.

OF OFFENCES AND CIVIL ACTIONS RELATING TO THE MILITARY DEPARTMENT, BUT COGNIZABLE IN A CIVIL COURT.

XV. [Punishment of perjury.] *Superseded by Article* 65, *Act XIX.* 1847.

Penalty for aiding the escape of convicts.

XVI. Any person aiding the escape of a convict confined under sentence of a court-martial held by virtue of *Act 4th Geo. IV. chap.* 81, or of this Regulation, shall, on conviction before a magistrate or other higher tribunal, be liable to punishment by fine or imprisonment not exceeding seven years, or both combined.

See Act XIV. 1849.

Penalty for aiding desertion.

XVII. Any person who shall persuade an officer or soldier, British or native, in the service of his Majesty or the Company, to desert, or shall wilfully harbour, conceal, or assist such deserter, shall, on conviction before a magistrate or other higher tribunal, be punishable with fine or imprisonment not exceeding four years, or both combined.

Penalty for making false musters or aiding the same.

XVIII. Any person who shall furnish, or cause to be furnished, a false certificate whereby to excuse a soldier, British or native, for his absence from muster or any other service, on pretence of his being employed on duty, or being sick, in prison, or on furlough, shall be liable to a forfeiture not exceeding Rs. 400, which shall be recoverable as a debt, on prosecution by the commanding officer of the station in any court having jurisdiction over the offender in actions for debt, and when recovered, shall be disposed of as Government may direct; and further, the offender, if in the military service of the Company, shall be cashiered, and incapacitated from holding any military office in the Company's service.

See Art. 87, Act XIX. 1847.

How enforced.

Penalty for receiving military equipment or stores.

XIX. Any person receiving in purchase, gift, exchange, or otherwise, any dress or arms, grain or forage, or articles of any nature known by such person to have been furnished by Government for the use of the

British or native troops, or any department of the army, shall, on conviction before the magistrate or higher tribunal, be punishable with fine or imprisonment not exceeding four years, or both combined.

how the value of embezzled or damaged stores is to be recovered and disposed of

XX. Any court, having cognizance of actions for debt, to whose jurisdiction a person who has been found guilty of the offence described in *Section XI. Clause First*, may be subject, shall, on prosecution by the commanding officer of the station, pass a decree against such offender to the amount of any loss or damage ascertained by the court-martial to have ensued, and the amount (which shall be recoverable by the usual process of law) shall be disposed of as Government may direct.

CHAPTER IV

OF MARKING THE LIMITS OF CANTONMENTS, AND OF THE APPOINTMENT, FUNCTIONS, AND AUTHORITY OF THE SUPERINTENDENT OF BAZARS

Limits of military stations how to be ascertained

XXI. *First.* At military stations situated within the territories subordinate to the presidency of Bombay, the limits of cantonments or bazars shall, when directed by the Governor in Council, be marked by the local magistrate and commanding officer in conjunction, subject to approval by the Governor in Council; in which limits private property is not to be included.

See Act 156 Act XIX 184"

plans thereof to be kept

Second. The above-mentioned officers shall report the limits, with a plan thereof, to the Governor in Council, and when they have been approved, a plan shall be kept by the magistrate, and another by the commanding officer.

A superintendent of bazars to be appointed

XXII. *First.* At every station where limits have been marked, as described in the preceding section, an officer, to be denominated superintendent of bazars, shall be appointed by the Governor in Council.

Vacancies how to be supplied

Second. When by death, or illness, or absence, or any other cause, the superintendent of bazars is unable to continue the duties of his office, the commanding officer shall appoint a person to act until the vacancy be supplied by the Governor in Council, to whom the commanding officer shall report the new appointment and its cause immediately.

The superintendent to be subordinate to the commanding officer, and to qualify by oath

XXIII. The superintendent of bazars shall, under the immediate authority of the commanding officer, perform the duties assigned to him in this Regulation, and previous to entering on the functions of his office, shall take and subscribe, before any person or persons commissioned by Government to administer it, the following oath: "I, ——, appointed superintendent of bazars at the station of ——, swear that I will impartially discharge the judicial duties of that office, and will neither derive, nor connive at any person under my authority deriving, any profit therefrom, except such as may be officially allowed.

See Act XXI 1837

"So help me God."

The superintendent to have charge of the police establishment.

XXIV. The superintendent of bazars shall have charge of such official establishment, for maintaining order and convenience in the limits of the

cantonment, and enforcing rules established for that purpose by the commanding officer, subject always to the control of Government, as may be placed at his disposal.

and empowered to take evidence.

XXV. *First.* The superintendent shall have authority to take evidence on *oath or* solemn declaration, when necessary in the course of his duties; and a false statement made before him on such occasions shall be punishable as if it had occurred in a court of criminal judicature.

How to procure the evidence of persons within the military limits,

Second. And if a person (not being a British-born subject) found within the limits of the cantonment refuse to attend or give answer when summoned by the superintendent to give evidence, he shall be confined until he complies.

See Act VII. 1841.

and how of those without.

Third. And, if the evidence of a person without the said limits be required, it shall be procured by application to the Civil Court in the mode described in *Section V. Clause First.*

See Art. 156, Act XIX. 1847.

The superintendent may take cognizance of certain offences,

XXVI. *First.* The superintendent shall try and punish the offences specified in this section, committed within the limits of the cantonment by any person not being a British-born subject, provided the said offences be not of such a nature as is described in [*Section IX. of this Regulation*] to be within the jurisdiction of a court-martial.

within a certain period of time.

Second. But he shall not take cognizance of such offences, unless the charge be made within ten (10) days after the offence was committed, nor unless the offender be apprehended within the limits of the cantonment within three (3) months of the offence having been committed.

What offences are thus cognizable: and how punishable.

Third. In cases of trivial assault, petty theft, riotous conduct, abusive language, or calumny, using false weights or measures, issuing false or counterfeit coin, or having in possession more than five pieces of such without lawful excuse; and also in cases of breach of such rules as may have been established by the commanding officer for maintenance of order, duly promulgated by beat of drum, and by a translation into the language current in the cantonment, and signed by the brigade major or other staff officer of the station, being fixed in some conspicuous part of the bazar; and in cases of misconduct on the part of servants, such as insolence, disobedience, neglect, or quitting service without a month's previous warning, the superintendent is authorized to adjudge a fine not exceeding fifty (50) *Bombay* rupees, or corporal chastisement not exceeding twenty-four (24) rattans, or to confine the offender for a period not exceeding one month; and if the fine be not paid, the offender is, in lieu thereof, to be confined for a period not exceeding one (1) month.

How the superintendent is to dispose of offenders on whom he is not authorized to pass sentence.

XXVII. If any person within the limits of the cantonment be charged with an offence of which the superintendent is not authorized to take cognizance, or if it be of such a nature as to require greater punishment than he is authorized to inflict, he shall report the case to the commanding officer, in order that it may be brought before an authority competent to try it.

Complaints made against British-born subjects by natives,

XXVIII. *First.* It is enacted in the Act 53 Geo. 3, c. 155, s. 105, that "the magistrate of a district shall have authority, on complaint being made

how to be proceeded with.

to him by a native, that any British subject has therein committed assault, forcible entry, or other injury accompanied with force, not being felony, to take cognizance of the same; and having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the party accused."

what punishments may be inflicted.

Second. And it is further thereby enacted, that "in case of conviction, the said magistrate may inflict on the party a fine not exceeding five hundred (500) rupees, to be levied, in case of non-payment, by warrant under the hand of the magistrate, upon any property of the party which may be found in the said district; and, if no such property be found, then the magistrate may, by warrant under his hand, commit the party to confinement in some fit place within the district for a period not exceeding two months, unless the fine be sooner paid; and, if there be no such fit place, then in the gaol at the presidency under the like limitations; and the magistrate may award the whole or any portion of the fine to the party aggrieved, in compensation for the injury."

Report to be made to Government: and fines how to be disposed of.

Third. It is also provided in the said enactment, that "in case of conviction, a copy thereof, and all depositions and proceedings relating thereto, shall forthwith be transmitted by the magistrate to the government of the presidency; and that the fine, or what may remain after making compensation, as above said, to the party aggrieved, shall be transmitted to the clerk of the Crown, or other officer, whose province it is to receive fines in his Majesty's Court of Oyer and Terminer and Gaol Delivery for the respective district."

Convictions may be removed into the Supreme Court; but this shall not prevent an offender's being committed or held to bail.

Fourth. And it is also provided in the said enactment, that "such conviction is removable by writ of certiorari into the said Court of Oyer and Terminer and Gaol Delivery; but that nothing herein contained shall prevent the magistrate from committing or holding to bail any British subject charged with any such offence, in the same manner as he might otherwise have done."

See Act IV. 1843.

The preceding rules how applicable to the superintendent of bazars.

Fifth. It is held that the above-quoted rules in this section are applicable to the superintendent of bazars as magistrate within the limits of the cantonment, he having duly qualified as a justice of the peace, provided that the cantonment be within 120 miles' distance from the presidency; otherwise, the offender is to be tried by court-martial.

Superintendent to control traffic in spirituous liquors.

XXIX. It shall also be the duty of the superintendent of bazars to control the manufacture and sale of spirituous liquors, according to the rules contained in Chapter IX. of this Regulation.

Sentences to be confirmed by the commanding officer, and proceedings recorded: return to be made to the commanding officer.

XXX. The superintendent of bazars shall not execute any sentence, either in the criminal or excise branch of his duties, until he has submitted his proceedings to the commanding officer, who shall have power to suspend, mitigate, remit, or confirm the sentence, expressing his final order by endorsement on the paper containing the same: his trials in the said branches shall also be recorded in writing, as usual on courts-martial; and he shall furnish to the commanding officer, on the 1st of each month, a return of sentences executed during the preceding month, stating the dates of sentences, names of offenders, nature of offences, and the sentences, as in the following form:—

Return of Punishments and Confiscations inflicted by the Superintendent of Bazars, at ——, during the month ——, A.D. ——.

Date.	Name of Prisoner.	Offence.	Sentence.
3rd -	Jhan Mahomed - -	Stealing copper pots, value rupees 25.	20 stripes.
7th -	Ibrahim Moosa - -	Smuggling a cask of mowra.	The mowra confiscated.

1st of ——, A.D. ——.
(Signed) ——,
Superintendent of Bazars.

Which return the commanding officer shall forward to the Commander-in-Chief on the 15th of the month in which received. and forwarded to the commander-in-chief.

XXXI. All fines imposed and levied by the superintendent of bazars otherwise than by virtue of Section XXVIII. are to be applied as directed by orders from the Governor in Council. Fines how disposed of.

See Sec. i. Act XI. 1841. XXXII. *First.* With the view of providing speedy justice in cases where the amount in dispute is trifling and delay is seriously inconvenient, the superintendent of bazars shall have authority to receive, try, and decide in a summary manner pecuniary claims coming within the jurisdiction of the Court of Requests, as described in [*Section VII.*], provided that the sum in dispute shall not exceed *Bombay* Rs. (30) thirty; [*but whenever any reason appears for assembling a Court of Requests, the superintendent shall apply to the commanding officer for orders, and act accordingly*]. The superintendent may try certain cases for debt:

Rescinded by Sec. i. Act XI. 1841.

Second. In trying the suits falling under his cognizance by virtue of the preceding clause, the superintendent of bazars shall procure the attendance and evidence of witnesses under the rules of Section XXV., and shall record his proceedings and his decree in writing, as usual in courts-martial, and in the English language: the decree shall be countersigned by the commanding officer, on whose order it shall further be executed in the mode prescribed in [*Section VIII.*] for decrees of the Court of Requests: a monthly return of his decisions, according to the following form, shall also be furnished by the superintendent to the commanding officer on the 1st of each month, and shall be forwarded on the 15th of the said month to the Commander-in-Chief:— his proceedings how recorded, and his decrees how executed. Returns to be furnished monthly.

See Secs. xiv. to xvi. Act XI. 1841.

Return of Decisions in Suits for Debt, passed by the Superintendent of Bazars at ——, during the month of ——.

Date of Decree.	Names of Parties.	Matter in dispute.	Decree.
15th July, 18—.	A. B. against C. D.	Rs. 25, for grain supplied	For the plaintiff 15 rupees.

1st of August, 18—.
(Signed) ——,
Superintendent.

Civil suits not of a simple pecuniary nature triable only by the regular courts, the superintendent interfering only as magistrate.

Third. In all disputes regarding expulsion from caste, marriage, succession, adoption, the right or title to immoveable property, or other matters not of a pecuniary nature, the interference of the superintendent shall be limited to the object of preserving the peace, and preventing or correcting any change in the relative situation of the parties previously to a judicial decision of the point in dispute.

CHAPTER V.

PROCESS BY CIVIL AUTHORITY, HOW TO BE CONDUCTED WITHIN THE LIMITS OF CANTONMENTS.

How communications are to be forwarded by civil officers to the superintendent,

XXXIII. When a civil officer shall have occasion to communicate officially with the superintendent of bazars, he shall transmit his communication under cover to the commanding officer, who shall forward any answer that may be required.

and how attachments are to be executed within the military limits;

XXXIV. *First.* When any process of attachment, or sale of property, or arrest of person for debt, to take effect within the military limits, is issued by any court of justice except the Supreme Court at the presidency, the process shall first be carried to the commanding officer, or senior officer within the limits, who shall immediately back the same with his signature, and give his utmost assistance to the officer in executing the process according to its tenor.

but the above rules are not to apply to citations or arrest for offences,

Second. But nothing herein contained shall be construed to prevent the service by the officer of the court, in the usual way, of any process of mere citation, nor of process of arrest for offences cognizable by the said court.

though intimation will be given to the superintendent.

Third. But if a person is arrested under the last preceding clause, the officer of the court shall immediately report the circumstance, and produce the warrant to the superintendent of bazars, for the information of the commanding officer.

CHAPTER VI.

RULES FOR PUNISHMENT OF OFFENCES COMMITTED BY CAMP-FOLLOWERS DURING A MARCH.

Camp-followers on a march when not at the presidency,

XXXV. *First.* Natives not enlisted, but accompanying a military corps during its march, shall be amenable, as subsequently set forth, for acts committed during its march at any place beyond the presidency.

amenable for certain offences to a court-martial.

Second. In cases of fraud committed towards any person belonging to the detachment, whether enlisted or not, and in cases of theft, or affray, or riotous conduct, whoever may be the sufferer, or misconduct on the part of servants, the commanding officer is empowered to seize, and cause to be tried before a court composed of not less than two European commissioned officers, the offender or offenders.

Qy. Superseded by Art. 157, Act XIX. 1847.

What punishment may be inflicted:

Third. The said court may award punishment not exceeding thirty (30) stripes with a rattan, or a week's confinement, which however shall not be executed until the proceedings, recorded as usual on courts-martial, shall have been laid before the commanding officer, to whom it shall be competent to mitigate, confirm, or annul the sentence passed.

how the above offences may be punished if a court cannot be convened.

XXXVI. If there be not a sufficient number of European officers present with the detachment to form a court, as prescribed in the preceding section, the commanding officer, provided he be not of lower rank than ensign, is empowered to investigate such matters as therein stated, and inflict punishment, not exceeding fifteen (15) stripes with a rattan, or forty-eight hours' imprisonment, and he shall record the nature of the charge, to be deposited with the regimental records.

Evidence on *oath or* solemn declaration may be taken in the preceding cases.

XXXVII. The court mentioned in Clause Second of Section XXXV., and the commanding officer, when acting by virtue of Section XXXVI., shall be competent to take evidence on *oath or* solemn declaration, and perjury committed before them shall be punished by the ordinary authorities of criminal judicature as if it had been committed before any such authority.

Qy. Superseded by Art. 157, Act XIX. 1847.

Reservation of the jurisdictions of the native general court-martial, and the ordinary criminal tribunals in more serious cases;

XXXVIII. It is to be clearly understood that the cases provided for in Sections XXXV. and XXXVI. are not to include the offences specified in [*Section IX.*] committed by camp-followers; the said offences will be tried by a native general court-martial, or the ordinary tribunals of criminal judicature, according to the rules contained in [*Section IX.*]

and minor complaints also may be prosecuted before the magistrate.

XXXIX. The authority also conferred by Sections XXXV. and XXXVI. is not to supersede that of the civil magistrate in any case where a person not belonging to the detachment is a complainant, unless the said complainant shall already have applied for redress to the commanding officer, and proceedings shall have commenced thereon, otherwise the civil magistrate shall proceed according to the rules of the general code, in all matters laid before him.

CHAPTER VII.

OF THE AID WHICH MAY BE FURNISHED BY CIVIL AUTHORITIES TO EXPEDITE THE MARCH OF MILITARY FORCES, AND OF COMPENSATION TO INDIVIDUALS FOR DAMAGE CAUSED BY THE TROOPS ON SUCH OCCASIONS.

Notice to be given to the magistrates through whose jurisdictions troops may pass:

XL. When military bodies, exceeding in number two hundred (200) of infantry, or one hundred (100) of cavalry, shall have occasion to march through a British territory, and also, if the number be smaller, provided they will require aid from the local authority, the commanding officer shall give timely notice to each magistrate through whose jurisdiction he will pass, specifying the probable time of his arrival, the extent of the corps, and the nature of the aid (if any) which will be required.

what aid the magistrate shall furnish,

XLI. *First.* If it be required, the local magistrate shall direct his establishment to be in readiness to procure guides, and such supplies of provisions as the country may furnish, and such conveyance for passing rivers or ghauts, or any peculiarly difficult places, as is professionally provided by the inhabitants for such purposes.

and how it shall be paid for.

Second. Provisions and conveyance, supplied as above mentioned to individuals, shall be paid for by them at the time, and at the current rate of the place; the guides and conveyance for public property shall be paid

for at the same rate by the collector of the district, according to a certificate which the commanding officer is to grant, denoting the services performed; and the collector is to insert the amount so disbursed at the foot of his treasury account, in explanation of his treasury balance, as prescribed for similar cases.

On emergent occasions aid may be procured by impressment:

XLII. *First.* When emergent occasions require the immediate march of troops, and more extensive aid towards it than is allowed by the preceding section is necessary, the local magistrate may resort to impressment under the following rules, being careful to define the nature of the employment for which the impressment is made, and the period it is to continue.

what is to be considered as constituting such emergency:

Second. The magistrate's authority for acting as in the preceding clause, shall be either an order from the Governor in Council, or a letter from the commanding officer, declaring his inability to proceed without the magistrate's aid, and fully explaining the circumstances which render the movement of paramount importance to the general inconvenience occasioned by impressment, on receipt of which the magistrate will act at discretion.

and how remuneration is to be made:

Third. Remuneration for services or supplies procured by impressment is to be fixed by the magistrate on a liberal scale, and paid according to the principles of Clause Second, Section XLI. of this Regulation, viz., individuals are to pay for that which is personal accommodation, and the collector is to defray the charges incurred for the public service under the above-quoted rules.

the magistrate to report when he resorts to impressment.

Fourth. Whenever impressment shall take place by virtue of this section, the magistrate shall, within ten (10) days, report the fact, with the cause and extent of impressment, and the rates of remuneration allowed, both to the Governor in Council and the Court of Sudder Foujdary Adawlut.

How persons sustaining injury by the march or encampment are to seek redress,

XLIII. *First.* When damage is occasioned to individuals by the march or encampment of troops, the commanding officer shall, on application by the sufferer, furnish him with a certificate of the nature, extent, and cause thereof.

and within what time:

Second. The certificate mentioned in the preceding clause shall, if presented to the collector or any of his officers holding charge of a district within ten days from its date, entitle the sufferer to compensation for loss occasioned by such movements or positions of the troops as are bonâ fide of a military nature.

in failure whereof, they may resort to law.

Third. On a demand being made by virtue of this section to the collector, he shall inquire into its merits, and if satisfied that it is just, shall apply to Government for permission to pay it; if the collector think the demand is not just, or if Government withhold permission to pay it, the complainant may bring the case to decision according to the process of civil law, by instituting a suit against the collector.

CHAPTER VIII.

OF REQUISITIONS FOR MILITARY AID BY CIVIL AUTHORITIES.

XLIV. Whenever civil officers may require guards or military aid at the presidency, they are to apply to the Governor in Council through the channel prescribed for public correspondence.

Military aid how to be procured at the presidency.

XLV. Permanent guards for protection of gaols or treasuries, or official purposes in general at out-stations, shall be furnished according to instructions issued by the Governor in Council, to whom the civil officer requiring them will apply in the first instance; in the interim of such application, if delay should appear likely to occasion injury to the public service, the civil officer will apply for a temporary guard according to the rules of the succeeding section:

Permanent guards how to be procured at out-stations.

XLVI. *First.* When temporary guards or escorts are required at out-stations, the civil officer making the requisition is to state fully and circumstantially to the commanding officer at the station the nature of the service to be performed, and the commanding officer will furnish such force as he may think requisite for the purpose.

Temporary aid how to be procured at out-stations:

Second. If the commanding officer to whom a requisition is made shall perceive any substantial objection to a compliance therewith, he shall be at liberty to suspend the same, and refer the case to the commander-in-chief, who, if he does not think it proper to order compliance with the requisition, shall lay the matter before the Governor in Council for decision.

how the commanding officer is to act when perceiving substantial objections to a requisition.

XLVII. Civil officers employing military guards or escorts either permanent or temporary, shall on the first day of each month transmit to Government a statement of such as may have been employed during the preceding month.

Civil officers to report to Government all military guards employed.

CHAPTER IX.

RULES RELATING TO THE SALE OF SPIRITUOUS LIQUORS AT MILITARY STATIONS, AND DURING A MARCH.

XLVIII. *First.* The manufacture of spirituous liquors within the limits of cantonments is hereby prohibited, and in addition to the restrictions on sale of the same which are enacted in the general code, it shall be necessary for venders within the said limits to procure a license from the superintendent of bazars, for which however no charge is to be made.

Manufacture of spirits within military limits prohibited, and venders to be licensed by the superintendent:

Second. The rules in the preceding clause shall also have effect in any additional space surrounding the limits of a cantonment which the Governor in Council may determine, provided the additional limits be marked and plans kept as described in Section XXI. of this Regulation.

the limits may be extended to a certain additional space, in so far as regards manufacture and sale of spirit:

Third. And if any manufacture of spirits be attempted within the limits of a cantonment, or the said additional space, the superintendent

illicit manufacture of spirits how to be punished.

shall give information thereof to the collector, who will proceed according to the rules in force regarding illicit manufacture.

Illicit sale of spirits how to be punished:

XLIX. *First:* The superintendent of bazars shall have authority to punish natives vending without his license spirituous liquors within the military limits, and any additional limits around them, which may have been fixed in the manner specified in the preceding section, for the first offence, by fine not exceeding fifty (50) *Bombay* rupees, to be enforced by imprisonment not exceeding one month, unless the fine be sooner paid—and for each subsequent offence, either by corporal punishment not exceeding twenty-four (24) stripes with a rattan, or fine not exceeding one hundred (100) *Bombay* rupees, to be enforced by imprisonment not exceeding two months, unless the fine is sooner paid; such fine when realized, to be in all cases disposed of as the Governor in Council may direct.

Punishment for selling spirits without permission to Europeans of a certain description, or for their use:

Second. He shall also be authorized to punish, as in the preceding clause, natives selling spirituous liquors to an European non-commissioned officer, soldier, or woman belonging to the detachment, or to any one for their use within the said limits, without having first obtained the commanding officer's permission in writing.

Smuggling how to be punished:

Third. He shall also be authorized to punish, as above stated, natives smuggling spirituous liquors within the said limits, provided they are apprehended therein.

Smuggled liquor how to be disposed of:

Fourth. He shall also be authorized to confiscate spirituous liquors smuggled within the said limits, and if there be a contractor for the sale of liquor at the station, the confiscated liquor shall be given to him, otherwise it shall be destroyed.

Proceedings in the above cases how to be recorded and confirmed.

Fifth. The above punishments and confiscations shall be subject to the rules regarding confirmation by the commanding officer which are prescribed in Section XXX. of this Regulation, and shall be included in the return specified in the said section.

Liquor contractors allowed only where the force amounts to half a regiment.

L. Military contractors shall not establish shops for sale of spirituous liquors at a station where there is less than half a regiment.

Sale of liquors to Europeans of a certain description, or for their use, how to be punished beyond the military limits, and notice of the same to be annexed to licenses.

LI. Any native selling spirituous liquors beyond military limits to the persons specified in Clause Second of Section XLIX. without written permission from the commanding officer, shall be fined by the local magistrate fifty (50) rupees for the first offence, and one hundred (100) for each subsequent offence, notice of which penalty shall be annexed to each license granted by the collector.

In what cases individuals may import liquors for private use free from duty.

LII. *First.* All foreign spirituous liquors introduced into a collectorship on the way to a military station, the limits of which have been marked according to Section XXI. of this Regulation, shall pay the same import duty* as if they had been introduced for any other purpose, unless accompanied by a certificate stating that they are for the use of individuals, and are not to be re-sold.

* All inland customs duties, excepting at foreign frontiers, were repealed by Sec. ii. Act I. 1838.

Second. The above certificate shall be furnished by the person for whose use the liquor is imported, or by some other person on his behalf.

Certificate for the above purpose by whom to be made.

Third. The collector shall have authority to detain the spirits until he is satisfied that the certificate is not forged nor for fraudulent purposes, on proof of either of which facts the liquor shall be confiscated and sold, a reward of one half the proceeds therefrom being assigned to any person, or divided at the discretion of the collector among any persons through whose exertion or information the fraud was detected.

The liquor may be detained if the certificate appears suspicious: informers how to be rewarded.

LIII. *First.* Troops marching from a military station where there is a superintendent of bazars, may be accompanied during the march by such liquor venders as are authorized by license from the superintendent of bazars.

Liquor venders how to be licensed during a march from a station where there is a superintendent of bazars,

Second. And such liquor venders shall be subject to the punishments provided in the four first clauses of Section XLIX. of this Regulation for offences within the limits of the camp, the proceedings and decisions to be made by the commanding officer instead of the superintendent; but for acts beyond those limits, they shall be subject to the general rules of the code.

and how amenable for misconduct:

Third. Troops marching from stations where a superintendent of bazars has not been appointed, may be accompanied during their march by liquor venders authorized by the commanding officer, and they shall be liable to punishment by him for offences in the way specified in Clause Second of this Section.

how licensed and amenable on a march from a station where there is no superintendent of bazars.

Fourth. The obligation so to accompany troops when required shall form part of the stipulations under which the collector is to grant licenses at the stations where there is not a superintendent of bazars.

Licenses in certain cases to stipulate an obligation to accompany troops during a march.

LIV. *First.* At military stations where there is no superintendent of bazars, the collector shall not grant a license for the sale of spirituous liquors to any person without the commanding officer's consent.

The commanding officer's consent requisite to licenses where there is no superintendent of bazars:

Second. At all stations it shall be the duty of the commanding officer to use every possible care to prevent the troops or followers from obstructing the collector's process, according to the general regulations respecting the vend and manufacture of spirituous liquors.

the commanding officer to aid the collector's process respecting sale and manufacture of liquors:

Third. The collector shall, however, when it can be done without inconvenience to the public service, execute process within military limits by application to commanding officers, and shall uniformly acquaint them with the result of a search.

and the collector, if possible, to execute such process by application to the commanding officer.

LV. If a collector shall refuse to suppress any shop or still in the vicinity of a military station, on the commanding officer requesting it, the case shall be referred by the latter to the Governor in Council, who will issue such orders as he may deem proper.

How liquor-shops or stills near military stations may be suppressed.

(MISCELLANEOUS BRANCH.)

Reg. XXIII. 1827.

A.D. 1827. REGULATION XXIII.

CONSISTING OF THREE (3) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Prohibition against Money Transactions between certain Civil Officers and certain Natives, and against the Civil Officers unauthorizedly employing their Native Creditors in official Capacities	I.
II.	Restrictions on the Occupation of Land by Europeans or Americans	III.
III.	Restrictions on the Use of Uniform and Badges	V.

A REGULATION *imposing certain Restrictions on Money Transactions between Persons filling certain Civil Offices and others, and on the employment of Individuals with whom they may have such Transactions, by the said Officers in Official Capacities: on the Possession of Landed Property by Europeans and Americans, and on the general Use of Uniforms and Badges:* PASSED *by the Governor in Council, on the* 1*st January,* 1827.

Preamble.

WHEREAS it is essential to provide against the temptations which might be produced by a concurrence of private interests between European officers holding appointments of high responsibility and natives immediately subordinate to the said officers, or acting executively with relation to them; and whereas it is expedient that Europeans and Americans should not be permitted to occupy land in the territories subordinate to the presidency of Bombay without the special sanction of Government; and whereas the distinctions intended to be preserved by the use of uniforms and badges must be destroyed by a general use of the same;—the following Rules have been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

PROHIBITION AGAINST MONEY TRANSACTIONS BETWEEN CERTAIN CIVIL OFFICERS AND CERTAIN NATIVES, AND AGAINST THE SAID CIVIL OFFICERS UNAUTHORIZEDLY EMPLOYING THEIR NATIVE CREDITORS IN OFFICIAL CAPACITIES.

Certain civil officers prohibited from having money transactions with certain natives:

I. *First.* All persons holding the situations of judge of the Sudder Adawlut, register or assistant register to the said court, zillah judge, or magistrate, or assistant to either of those officers, are, on pain of dismission from their situations, prohibited from having any money transactions, directly or indirectly, either as borrowers or lenders, with any native on the judicial or revenue establishments of the province or zillah over which their authority extends, with any landholder or farmer of land, dependent

talookdar, or under-farmer or ryot having real property, or any commercial establishment within that province or zillah, or with the sureties of such persons.

Second. Loans made by any of the public officers enumerated in the preceding clause, in violation of its provisions, are further declared not recoverable in any court of judicature.

prohibited loans made by such officers, not recoverable.

II. *First.* No person being a creditor of any of the officers enumerated in Clause First of the preceding section shall be appointed to any official situation, in which he may be accountable to the said officer, unless by the express permission of Government previously obtained: and any such officer who may, on the promulgation of this Regulation, or hereafter at any time, find any creditor of his so situated as to be accountable to him, shall, immediately on becoming aware of the circumstance, report the same to Government, or failing to do so, will be rendered liable to dismissal from office.

Such officers must not employ their creditors under them without leave, and must report any creditor coming under their control.

Second. The rules contained in the preceding clause, for precluding the creditors of the public officers above mentioned from being employed on their public establishments, shall be considered as equally applicable to such persons as may have an immediate connection of interests with the said creditors; such persons shall therefore, as well as the said creditors, be equally and under the same rules precluded from being employed on the establishment of any of the public officers above described.

Persons united in interest with the creditors are to be viewed as creditors.

CHAPTER II.

RESTRICTIONS ON THE OCCUPATION OF LAND BY EUROPEANS OR AMERICANS.

Superseded by 3 & 4 Wm. IV. c. 85, s. 86, and Act IV. 1837.

III. *First.* No *British subject or other* Europeans, or Americans, shall purchase, rent, occupy, or possess, directly or indirectly, any land in the zillahs subordinate to the presidency of Bombay without the sanction of the Governor in Council; and all such persons now holding such land, without having obtained such permission, or who may hereafter purchase, rent, or occupy such land, shall be liable to be dispossessed of the same at the discretion of the Governor in Council; nor shall they be entitled to any indemnification for buildings which they may have erected, or on any other account.

Land not to be occupied by Europeans or Americans without leave, and will be taken from them:

Second. Europeans or Americans who are not forbidden to make loans to natives on the judicial and revenue establishments, to landholders or farmers of land, dependent talookdars, under-farmers or ryots, or their sureties, may make such loans on the security or mortgage of lands or leases; but they shall not be allowed directly or indirectly to hold possession of the land, the usufruct or lease whereof may be mortgaged to them as security for the loan, or to make or appropriate the collections, or to have any concern or interference whatever in the management or collection of the rents or revenues of the lands, without the sanction of the Governor in Council.

they may receive lands in mortgage, but must not without leave collect the rents or manage the lands.

IV. *First.* When an European or American shall, under the provisions of the preceding section, be permitted by the Governor in Council to

Land permitted to be occupied by an European or American, to be measured,

purchase, occupy, or rent land in any zillah, it shall be measured by an officer to be appointed by the collector, and the expense attending the measurement shall be paid by the party purchasing, renting, or occupying the ground.

and annual reports of such occupancies to be made in detail to Government.

Second. The collectors of land revenue shall transmit an annual statement on the 1st of January of each year, specifying the names of the Europeans or Americans possessing, or renting, or occupying land within their respective zillahs, the extent of the land, the purpose to which it is appropriated, and from what period, and under what authority, it is so held.

CHAPTER III.

RESTRICTIONS ON THE USE OF UNIFORMS AND BADGES.

No person without authority to dress any individual in a military uniform, or a near imitation of it:

V. *First.* All persons whosoever (excepting such privileged persons as the Government may specially exempt from the operation of this enactment) are forbidden to dress any of their servants, official or private, or whether for the purpose of parade or of business, in a military uniform, or in a dress so nearly resembling any uniform prescribed for the army as to enable the person wearing it to impose it on the country people as such.

no person without authority to wear such dress,

Second. All persons, excepting those actually in the military service of the Company, or in the service of persons specially exempted as provided for in the first clause of this section, are forbidden to wear such dresses as those prohibited in the said clause.

which will be taken from him by the magistrate, to whom he will be sent by the police officers.

Third. The several local magistrates are hereby authorized and required to deprive of a military dress any person who shall wear it contrary to this enactment; the local officers of police are also empowered and directed to apprehend all persons of the above description, and to send them to the magistrate, who will deal with them in the manner above prescribed.

Badges to be worn by official peons only, those of farmers being occasionally included.

VI. *First.* No person shall be allowed to distinguish with badges his peons or other servants, except such as may be employed in official establishments, among which farms of revenue are to be included only when specially permitted by Government.

Persons without authority wearing badges will be apprehended and deprived of them by the police.

Second. The several magistrates are empowered and directed to apprehend any person who shall wear a badge in opposition to the prohibition contained in the preceding clause, and to deprive him of it. The local officers of police are also authorized and directed to apprehend persons of the above description, and to send them to the magistrate, by whom the offender will be dealt with as above described.

Offending Europeans and Americans will incur the displeasure of Government, to whom the magistrate will report.

Third. And further, any European or American, not being a public officer, to whom such description of public servants is allowed, employing badged peons, or other description of servants wearing badges, contrary to this prohibition, will be liable to the severe displeasure of Government, on representation of the circumstances of the case by the magistrate, who is directed to report all such instances for the information and orders of the Governor in Council.

(MISCELLANEOUS BRANCH.)

A.D. 1827. REGULATION XXIV.

Reg XXIV. 1827.

A REGULATION *for restricting the establishment of Printing Presses, and the circulation of Printed Books and Papers:* PASSED *by the Governor in Council on the* 1*st January*, 1827.

[Repealed by Clause Fourth, Section I. Act XI. 1835.]

(MISCELLANEOUS BRANCH.)

A.D. 1827. REGULATION XXV.

Reg XXV. 1827.

CONSISTING OF TWO (2) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Rules for the Apprehension and Confinement of Individuals as State Prisoners	I
II.	Rules for the Attachment of Lands for Reasons of State, and for removing such Attachment	VII.

A REGULATION *for the Confinement of State Prisoners and for the Attachment of the Lands of Chieftains and others, for Reasons of State:* PASSED *by the Governor in Council, on the* 1*st January*, 1827.

Preamble.

WHEREAS reasons of state, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of native princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; and whereas it is fit that in every case of the nature herein referred to, the measures adopted should emanate immediately from the Governor in Council; and whereas the reasons above declared sometimes render it necessary that the estates and lands of zemindars, taloukdars, and others situated within the zillahs subordinate to Bombay, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding;—the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XVIII. 1827.

CHAPTER I.

RULES FOR THE APPREHENSION AND CONFINEMENT OF INDIVIDUALS AS STATE PRISONERS.

Mode of proceeding for placing individuals under restraint as state prisoners.

I. *First.* When any of the considerations stated in the preamble of this Regulation may seem to the Governor in Council to require that an individual should be placed under restraint, without any immediate view to ulterior proceedings of a judicial nature, it shall be lawful for the Governor in Council, provided always, that, with reference to the individual, the measure shall not be in breach of British law, to cause such individual to be apprehended in such manner as the Governor in Council may deem fit, and when apprehended, to be delivered over to any officer in whose custody it may be deemed expedient that he shall be placed, with a warrant of commitment to such officer's address.

Form of the warrant and authority which it confers. Appendix (A).

Second. The warrant of commitment shall be in the form specified in Appendix (A), and shall be sufficient authority for the detention of any state prisoner in any fortress, gaol, or other place within the zillahs subordinate to Bombay.

Rules for the maintenance of the state prisoner.

II. The Governor in Council shall fix such allowance for the support of the state prisoner as may seem to him expedient in reference to the prisoner's habits and rank in society, and shall specify, at the same time, through whose means it is to be paid, and how it is to be applied.

Half-yearly statements to be forwarded by the officer in charge of the prisoner.

III. Every officer in whose custody any state prisoner may be placed, shall, on the 1st of January and 1st of July of each year, submit a report to the Governor in Council, through the secretary to Government in the political department, on the conduct, the health, and the comfort of such state prisoner, in order that the Governor in Council may determine whether the orders for his detention shall continue in force, or shall be modified.

If the officer be a magistrate, the *judge on circuit* may give directions regarding the prisoner, but their execution may be suspended by the magistrate at his discretion.

IV. *First.* When any state prisoner is in the custody of a magistrate, the *judge on circuit* shall visit such state prisoner, on the occasion of the *periodical sessions*, and shall have authority to issue any orders concerning the treatment of the state prisoner which may appear to him advisable; but if any such orders should appear to the officer in charge of the prisoner to be inconsistent with the directions of the Governor in Council issued on that head, or with the safe custody of the prisoner, it shall be competent to him to suspend compliance until he shall have referred the case to the Governor in Council, and received his final instructions.

If the officer be not a magistrate, a special arrangement will be made to ensure periodical visits to the prisoner, and reports upon his health and treatment.

Second. When any state prisoner is placed in the custody of any public officer, not being a magistrate, the Governor in Council shall instruct either the magistrate, or the *judge on circuit*, or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

The officer in charge shall also report par-

V. *First.* Every officer in whose custody any state prisoner may be

placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants, and those of his family, according to their rank in life.

ticulars relative to the health and comfort of the prisoner,

Second. The officer in whose custody any state prisoner may be placed, is to forward, with such observations as may appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Governor in Council.

and shall always forward the prisoner's representations with remarks.

VI. The provisions contained in Sections II. III. IV. and V. of this Regulation, are hereby declared to be applicable to all persons who are now confined as state prisoners, under the authority of Government, within the zillahs subordinate to Bombay.

The rules regarding state prisoners are applicable to all persons now confined as such.

CHAPTER II.

RULES FOR THE ATTACHMENT OF LANDS FOR REASONS OF STATE, AND FOR REMOVING SUCH ATTACHMENT.

VII. Whenever the Governor in Council, for reasons of the nature of those specified in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zemindar, jageerdar, talookdar, or other person, without any previous decision of a court of justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the secretaries to Government, to the judge and the magistrate, or other civil authorities of the district in which the lands or estates may be situated, and to the Sudder Adawlut.

Circumstances under which the lands of zemindars and others may be attached by Government, and mode in which the attachment will be promulgated.

VIII. *First.* The lands or estates which may be temporarily attached, shall be held under the management of the officers of Government in the revenue department, and the collections shall be made and adjusted on the same principles, if consistent with the rights of others, as had been followed by the proprietor; provided, however, that any change may be introduced which the proprietor may desire, and which may not infringe on private rights, nor appear objectionable to the collector; and annual accounts of the management of the lands attached shall be furnished to the proprietor.

Lands under attachment how to be managed by the collector;

Second. Such lands or estates, while so under attachment, shall not be liable to be sold by process of law, or otherwise, without the mutual consent of Government and the proprietor, but the annual income, or any portion of it, may, if Government shall so direct, be applicable to the satisfaction of decrees of the Civil Court.

and how incapable of being sold; the proprietor's income how liable for debts.

IX. Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary, have ceased to operate, and that the management of the estate can be

Attachment under what circumstances and how to be withdrawn, and accounts of collec-

tions and profits how adjusted.

committed to the hands of the proprietor, without public hazard or inconvenience, the revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estates, which may have accumulated during the attachment.

APPENDIX (A).

Appendix (A).

To the (here insert the officer's designation.)

Whereas the Governor in Council, for good and sufficient reasons, has resolved that (here insert the state prisoner's name) shall be placed under personal restraint at (here insert the name of the place), you are hereby ordered, in pursuance of that resolution, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor in Council and the provisions of Regulation XXV. A.D. 1827.

By order of the Governor in Council,

(Signed) A. B.,
Secretary to Government.

Bombay Castle,
—— day of ——, 18—.

(MISCELLANEOUS BRANCH.)

Reg. XXVI. 1827.

A.D. 1827. REGULATION XXVI.

CONSISTING OF TWO (2) CHAPTERS, AS BELOW.

Number of Chapter.	TITLE.	Commencing Section.
I.	Of the Appointment, Suspension, and Removal of Kazees ...	I.
II.	Of the Duties and Emoluments of Kazees	V.

A REGULATION *for the Appointment and Removal of Kazees, and for ensuring an efficient and regular discharge of their Duties:* PASSED *by the Governor in Council, on the* 1*st January,* 1827.

Preamble.

WHEREAS in certain of the towns and pergunnahs subordinate to the presidency of Bombay, the office of kazee exists, and is necessary, for the purpose of authenticating and recording marriages, attesting divorces, and assisting in various other religious rites and ceremonies amongst Mahomedans; and whereas the important uses of the office, more especially in furnishing the means of settling questions of inheritance and succession between Mahomedans, require that rules, as well for the appointment and removal of kazees, as for ensuring an efficient and regular discharge of the functions of their office, should be established and promulgated;—the following rules are accordingly enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

See Reg. XXVIII. 1827.

CHAPTER I.

OF THE APPOINTMENT, SUSPENSION, AND REMOVAL OF KAZEES.

I. *First.* The Governor in Council may appoint kazees in such towns or pergunnahs as appear to require them, who shall hold their offices during good behaviour.

Appointment of kazee,

Second. Each kazee shall receive a sunnud of appointment from the Governor in Council, in the form contained in Appendix (A).

his sunnud,

Third. And he shall use a seal not exceeding one inch in length or breadth, on which shall be inscribed in the Persian language, and also in such other language as may be in general use in the district over which his duties extend, the following words; viz., "Seal of ———, kazee of the town (or pergunnah, as the case may be) of ———;" with the year of the Hijree in which such kazee was appointed.

and seal.

II. *First.* If the kazee is committed to take his trial for any offence of a highly penal or disgraceful nature, he shall, by such commitment, be suspended from the exercise of his functions as kazee, and, if convicted, shall, by such conviction, be dismissed from his office; and in either case an immediate report shall be made by the judge of the zillah in which he officiates to the Governor in Council.

Suspension caused by commitment for a serious offence, and dismissal by conviction, being reported to Government.

Second. If the zillah judge, whether from his own observation or from the complaint of others, shall have strong reason to believe that a kazee is rendered unfit to hold his office, either by gross negligence or misconduct in the discharge of his public duty, or by acts of profligacy in his private conduct, he shall report the circumstance to the Governor in Council.

Misconduct of the kazee to be reported by the judge to Government,

Third. The Governor in Council, if he sees cause, may appoint the *judge on circuit*, or any other person, a commissioner, with authority to call the kazee before him, and investigate the facts, and the commissioner, after such investigation, shall report his proceedings and opinion on the case.

which may order an investigation.

III. *First.* When a kazee is suspended from the exercise of his functions, or when a vacancy occurs in the office of kazee, from death, resignation, or dismissal, the judge of the zillah in which he officiates shall recommend to the Governor in Council a person duly qualified to supply such vacancy, either temporarily or permanently, as the case may require, and the Governor in Council may either confirm such recommendation, or appoint another person, as to him may seem fit.

Vacancies to be reported to Government, which will supply them,

Second. But the Governor in Council need not supply such vacancy, if local circumstances appear to render the office no longer necessary.

unless the measure is unnecessary.

IV. Such kazees as may, on this Regulation taking effect, be acting under competent authority, are to be considered to be duly appointed, in the same manner as if they had been appointed according to the provisions of Section I. of this Regulation.

Kazees now officiating are duly appointed.

CHAPTER II.

OF THE DUTIES AND EMOLUMENTS OF KAZEES.

Kazees may appoint and remove naibs who act under the same control.

V. Kazees shall be at liberty to appoint naibs to assist them in their functions, and to remove them at pleasure; and the said naibs shall also be liable to removal or suspension by the same authority and by the same process as kazees are subjected to in Section II. of this Regulation.

Duties of the kazee;

VI. The duties of the kazee shall comprise the attending, presiding at, or performing such ceremonies or forms relating to marriage and divorce, and to doctrinal or religious rites, as may be inculcated by the Mahomedan law.

his fees, how sanctioned and promulgated.

VII. Kazees shall be entitled to receive such fees for performance of official acts as the judge of the zillah, with the sanction of the Sudder Adawlut, may determine; and a table of these fees shall be constantly fixed up in the zillah court, and in a conspicuous part of the building where the kazee holds his office.

The kazee must record under penalty marriage contracts, and acts of divorce, in a book,

VIII. *First.* Each kazee shall keep a book, in which he shall enter all contracts of marriage and acts of divorce lawfully acknowledged before him or his naibs, whether in writing or verbally; and he shall be liable to a penalty, not exceeding one hundred (100) rupees, to be imposed by the judge of the zillah, for every such marriage contract and act of divorce not so entered.

to be deposited in the Adawlut, when he ceases to be kazee.

Second. On the death or dismissal of a kazee, the said book shall be delivered by him or his heirs to the superintendent of the register of the zillah, for the purpose of being deposited with the general register.

APPENDIX (A).

Appendix (A).

Form of sunnud to be granted to a kazee.

To A. B., inhabitant of ———. (L. S.)

In conformity with the provisions of Regulation XXVI. A.D. 1827, you, A. B., are hereby appointed to the office of kazee in the ——— of ———. You will not be liable to be removed from your situation while you discharge your duty with zeal and integrity under the rules contained in the Regulations which now are or hereafter may be in force.

By order of the Governor in Council,

(Signed) C. D.,

Secretary to Government in the judicial department.

Bombay Castle,
—— day of ——, 18—.

A.D. 1827. REGULATION XXVII.

Reg. XXVII. 1827.

SUPPLEMENTS.

I. Regulation	I. 1828.	[Rescinded by Reg. IX. 1828.]
II. ———	II. 1828.	[Rescinded by Reg. X. 1828.]
III. ———	IX. 1828.	
IV. ———	X. 1828.	

A REGULATION *for abolishing the Zillah Court of Broach, and for attaching the Districts composing the Broach Zillah to the Zillahs of Surat and Kaira:* PASSED *by the Governor in Council, on the* 16*th May*, 1827.

Preamble.

WHEREAS it has been deemed expedient to substitute for the existing arrangement, a plan by which the Zillah Court of Broach may be dispensed with, the territories subject to its jurisdiction being partitioned between the zillahs of Surat and Kaira, the following rules have therefore been enacted, to have effect from the date of promulgation.

Rescission of enactments constituting the Broach zillah, which is abolished.

II. *First.* Such parts of Section II. Regulation II. of 1805, Section III. Regulation VI. of 1817, and of any other enactments as provide for the appointment of a judge of Broach and the formation of the Broach Zillah, are hereby rescinded, and the Broach Zillah is hereby abolished.

The northern division annexed to Kaira, and the rest to Surat.

Second. Of the territories which composed the Broach Zillah, the town of Broach, the river Nerbudda and the islands therein, and the districts to the north of the river, are annexed to the zillah of Kaira, and the remaining districts are annexed to the zillah of Surat; the administration of civil and criminal justice, and all matters connected therewith, *except as otherwise specifically provided for in this Regulation*, being conducted according to the General Regulations.

III. and IV. [Civil jurisdiction.] *Rescinded by Regulation IX.* 1828.

V. to VII. [Police and criminal jurisdiction.] *Rescinded by Regulation X.* 1828.

A.D. 1827. REGULATION XXVIII.

Reg. XXVIII. 1827.

A REGULATION *for fixing the Date from whence certain Regulations passed on the* 1*st January*, 1827, *are to take effect:* PASSED *by the Governor in Council, at Bombay, on the* 1*st August*, 1827.

Preamble.

WHEREAS on the 1st January, 1827, twenty-six (26) Regulations were passed, the several preambles to which provided that the said Regulations should take effect from "such date as shall be prescribed in a Regulation to be hereafter passed for that purpose," the following rules are therefore enacted to fulfil the object therein contemplated.

The Regulations of 1827, in force from the 1st September, 1827, except such as relate to stamps,

II. *First.* The Regulations numbered from I. to XXVI. of 1827, *in so far as not affected by Regulation XXVII. of* 1827, shall, with the exception of Regulation XVIII. and of any rules in the said Regulations which relate to stamps, and with the exception also of any rescission of the rules heretofore existing on the subject of stamps, take effect from the 1st September, 1827, through the Bombay territories heretofore subject to the Regulations.

Rescinded by Regs. IX. and X. 1828.

which will take effect on the 1st November, 1827.

Second. Regulation XVIII. of 1827, and all other rules regarding stamps in the Regulations of 1827, shall take effect from the 1st November, 1827, when Regulation XIV. of 1815, and any other rules heretofore existing on the subject of stamps, will stand rescinded.

Reg. XXIX. 1827.

A.D. 1827. REGULATION XXIX.*

SUPPLEMENTS.

I.	Regulation IV.	1828.	
II.	———	V. 1828.	[Rescinded by Reg. I. 1834.]
III.	———	X. 1830.	
IV.	———	XVIII. 1830.	
V.	———	I. 1831.	
VI.	———	XVI. 1831.	
VII.	———	I. 1834.	

A REGULATION *for bringing under the operation of the Regulations the Bombay Territories in the Dekkan and Khandesh:* PASSED *by the Governor in Council at Bombay, on the* 1*st August*, 1827.

Preamble.

WHEREAS, subsequently to the conquest by the Company of the territories of the late Paishwa in the Dekkan and Khandesh, and the acquisition from other states, by treaties and agreements, of other territories within the said countries, the governments of all the said territories have, with the view of avoiding the abrupt introduction of extensive change, been conducted under the orders of the Governor in Council, constituting a system which was calculated gradually to prepare the way for the introduction of the general rules of the British administration; and whereas the Regulations for the administration of the Bombay territories have in the meantime been revised, and it has now been judged expedient to bring the territories in the Dekkan and Khandesh under the revised Regulations, being the first twenty-six (26) Regulations of 1827, with certain modifications;—the following Rules have been enacted, to have effect from the 1st September, 1827.

The revised Regulations and others subsequently passed, made applicable to the Dekkan and Khandesh.

II. *First.* The first twenty-six (26) Regulations of 1827 [*with the exception of Regulation XVIII., and of any enactments relating to stamps*] shall, from the 1st September, 1827, be of force and effect, except as specifically

Rescinded by Reg. IV. 1828.

* The provisions of this Regulation were extended to the Southern Mahratta country (Dharwar) by Section ii. Reg. VII. 1830.

enacted to the contrary, throughout the Bombay territories in the Dekkan and Khandesh, consisting of the zillahs of Poona and Ahmednuggur, as described in Appendix (A) to this Regulation; and the said territories are hereby further brought under the operation of the Regulations, according as they may apply, to be passed from and after the 1st September, 1827, for the government of the territories subordinate to the presidency of Bombay.

Second. [Fees to be levied on law proceedings until introduction of Regulation XVIII. 1827.] *Superseded by Regulation IV.* 1828.

See Sec. vi. Act XIII. 1842.

III. *First.* With reference to the said zillahs, it is hereby enacted, that, in modification of the rules contained in Regulation II. A.D. 1827, Sections XXI. and XXXVII. Clause First, suits against certain persons of rank, as hereinafter specified, shall not come under the jurisdiction of the Civil Courts.

Courts of civil justice are not to entertain suits against certain persons of rank:

Second. A list of the said persons of rank will be furnished by Government to the judge, who will, on application, communicate the same to any person who, as plaintiff or defendant, may show that his interest requires his being supplied with that information.

of whom a list will be furnished to the judge.

See Reg. I. 1831, Act XIX. 1835, and Sec. vi. Act XIII. 1842.

IV. *First.* An agent of Government shall be specially appointed for the purpose of receiving, and trying, and deciding all complaints of a civil nature, which would, under the ordinary rules, be cognizable by either of the judges of Poona and Ahmednuggur, against any of the persons contemplated in the preceding section; he shall be furnished with a list of the said persons of rank, and with instructions descriptive of the respective rules of procedure to be followed in the case of each such person, and he shall communicate to any individual making application so much of the above-mentioned information as such individual may show to be important to his own interest.

Suits against such persons will be tried by an officer appointed for the purpose, who will have a list of them, and corresponding instructions, and will afford information to those concerned.

Second. The list above mentioned shall comprise three (3) classes of persons of rank; and the instructions above mentioned shall provide three (3) several modes of procedure, applicable respectively to each class of the said persons of rank.

The list and instructions will comprise persons of three classes.

V. *First.* Suits against the persons belonging to the first of the classes comprised in the agent's list, being individuals of the very first distinction and influence under the Paishwa's government, on account of their birth, their political importance, or the religious estimation in which they were held, shall be conducted and decided by the agent, reference being had, in the most ample degree, to the privileges of the defendant by former usage and custom enjoyed, and to other peculiar characteristics of the case conformable to like usage and custom; and no decree against any such defendant shall be enforced until the suit, and all proceedings thereon, shall have been referred to the Governor in Council (to whom also the plaintiff may appeal), who, as a special superior court for the adjustment of such suits, will pass such order thereon as he may deem just and equitable, an appeal to the King in Council being open to either party.

The first-class persons of the highest importance, on whom decrees cannot be executed without reference to Government, and an appeal from Government will lie to the King in Council;

Second. Suits against the persons belonging to the second of the classes comprised in the agent's list, being individuals not equal in consideration to those above adverted to, but of high rank and importance under the Paishwa's government, shall be conducted and tried by the agent, reference

the second-class persons next in importance whose suits may be appealed to Government, and from Go-

vernment to the King in Council;

being had in a great degree, and in conformity to former usage and custom, to the rank of the defendant, his situation and privileges, under the Peishwa's government, as affecting his creditor's means of compelling payment during that period, his present means of discharging the debt, and other points material to the real equity of the plaintiff's claim and the defendant's liability. An appeal against the agent's decision to the superior court of the Governor in Council, as above constituted, shall be open to either party: the petition of appeal shall be presented either to the agent or to Government within ninety (90) days (which period may be extended for good reasons) after the agent's decision was passed: the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit, and a final appeal to the King in Council shall be open to either party.

the third-class persons of less importance than the foregoing, whose suits may be appealed to the Sudder Adawlut, and from that Court to the King in Council.

Third. Suits against the persons belonging to the third of the classes comprised in the agent's list, being individuals inferior in rank to those of the classes previously described, but still equitably entitled, on account of the privileges hitherto enjoyed by them, to a certain special degree of consideration, shall be conducted and tried by the agent, in like conformity to usage and custom, with some relaxation of the rules of the General Regulations, and some portion of attention to the points above specified for regulating his decisions in suits against individuals of the two superior classes. An appeal to the Sudder Dewanny Adawlut against the agent's decision shall be open to either party; the petition of appeal shall be presented, either to the agent or to the Sudder Dewanny Adawlut, within ninety (90) days (which period may be extended for good reasons) after the agent's decision was passed: the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit; with which view the instructions of the agent, with regard to the defendant, shall be communicated by Government to the Sudder Dewanny Adawlut; and a final appeal to the King in Council shall be open to either party, under the rules contained in the General Regulations with reference to such appeals from the decrees of the Sudder Dewanny Adawlut.

The civil courts in the Dekkan have no jurisdiction:

VI. With reference to the said zillahs it is likewise enacted, in further modification of Section XXI. Regulation II. of 1827, and in modification of Section VI. Regulation XVI. of 1827, and Sections IX. XVI. XXXIV.* and XLIX. of Regulation XVII. of 1827, that suits on the following subjects shall not be cognizable by the Civil Courts:—

See Act XVI. 1838.

*Rescinded by Sec. iv. Reg. VI. 1830.

in cases of damages for oppression under the former Government;

1. All claims for damages against persons in authority under the late Government for abuse of power during that period.

in claims against Government on account of enams:

2. All claims against Government on account of enams.

jagheers, wurshasuns, and other advantages, not hereditary:

3. All claims against Government on account of jagheers, wurshasuns, pensions, nemnooks, and other advantages not hereditary.

in disputes regarding revenue or alleged exactions;

4. All disputes regarding public rent or revenue payable to Government, and all complaints of exaction by mumlutdars, or district or village officers.

or in disputes regarding village debts, boundaries, &c.

5. All claims on account of village debts, all village boundary disputes, and disputes regarding the use of wells and watercourses.

Pleaders may be admitted to practise by a committee president

VII. *First.* [*With reference to the said zillahs, it is further hereby enacted, that, in modification of the rules contained in Regulation II. A.D.* 1827,

Rescinded by Sec. iii. Act I. 1846.

Rescinded by Sec. iii. Act I. 1846.

Section XLVIII., the judge of the zillah shall be equally empowered with a judge of the Sudder Adawlut to preside in a committee to examine pleaders, and to grant certificates of qualification for practice in his court]; that, in modification of the rules contained in Regulation II. of 1827, Section XXVIII. Clauses Fifth and Sixth, the judge may refer to his senior assistant suits not exceeding in amount rupees ten thousand (10,000), and to his junior assistant suits not exceeding in amount rupees five thousand (5,000); and that, under the circumstances stated in Clause Sixth, Section XXVIII. Regulation II. A.D. 1827, the Governor in Council may authorize suits not exceeding in amount rupees twenty thousand (20,000), as well as the appeals from the decision of a junior assistant, as therein specified, to be referred to a senior assistant.

Modified by Secs. iii. and iv. Reg. I. 1830.

over by the judge. Senior assistants may try suits extending to Rs. 10,000, and junior assistants, Rs. 5,000; and in certain cases a senior assistant may be empowered to try suits of Rs. 20,000, and appeals from junior assistants:

Second. [*That, in modification of the rules contained in Clause First, Section LXXII. Regulation IV. A.D.* 1827,* *it shall at all times be competent to the judge to refer to a senior assistant appeals from the decisions of native commissioners; and that, in modification of the provisions of Clause Third of the said section,*] the amount (*found as prescribed in the said clause*) which shall confer a right to an appeal to the Sudder Adawlut from the decree of the judge, reversing or modifying an original decree passed by a senior assistant, shall be rupees one thousand (1,000).

** Clauses 1 to 3 of this section are rescinded by Sec. i. Reg. VII. 1831, and see Sec. iv. Reg. I. 1830.*

See Sec. iv. Reg. I. 1830.

and appeals from a native commissioner may always be referred to a senior assistant.

A regular appeal will not lie from the decree of a judge against a senior assistant's original decree, unless the judge's reversal or modification extends to Rs. 1,000.

Third. That, in modification of the Third Clause of Section LXI. Regulation IV. of 1827, the decrees of the Civil Courts shall not be enforced for a period of thirty (30) days subsequently to their being passed.

Enforcement of decrees must be thirty (30) days after the decision.

APPENDIX (A).

Appendix (A).

(See Section II. Clause First.)

Territorial description of the zillahs in the Dekkan and Khandesh, established under the presidency of Bombay; formed of conquests from the Paishwa (Proclamation of Occupation 11th February, 1818), and cessions from Holkar (treaty 6th January, 1818), Sindia (treaty 6th February, 1820), and the Nizam (treaty 12th December, 1822).

ZILLAH OF POONA.

The two (2) turufs, Havelee Poona and Kuryat Mawul.

The fifteen (15) following villages of the turuf Kairoo Barra, viz.

1. Seurey.	6. Arvee.	11. Gavurdurry.
2. Kondunpoor.	7. Dewrey.	12. Gogulwara.
3. Kullian.	8. Kamsey.	13. Kaumthurree.
4. Nahtowrey.	9. Khetcowla.	14. Khair Sewapoor.
5. Ombrey.	10. Koombosee.	15. Kelwur.

The three (3) following villages of the turuf Moosa Khora, viz.

1. Jamlee.	2. Sonapoor.	3. Sangroon.

The three (3) following villages of the turuf Moota Khora, viz.

1. Ambegaum.	2. Bhowlee.	3. Ambee.

The two (2) following villages of the turuf Kanud Khora, viz.

1. Vinjer.	2. Antrolee.

The village of Aptee, turuf Hirdus Mawul.

Appendix (A), *continued.*

The eighteen (18) turufs, Sandus, Pautus, Panbul, Maholoonga, Owsirree, Khair, Chakun Gora, Warra, Ambegaum, Juneer, Wotoor, Ala, Bela, Murkhóra, Kokutneer, Minneer, and Naraingaum.

The ten (10) following villages of the turuf Kurda, viz.

1. Ambee.	5. Nandoor Kundoomal.	8. Lingdee.
2. Khamboree.	6. Bhaugree.	9. Ghaugaum.
3. Burradee.	7. Aldurrey.	10. Peempulgaum Joga.
Lowkee.		

The three (3) turufs, Undur Mawul, Nanee Mawul, and Pour Khorey.

The thirty-two (32) following villages of the turuf Pown Mawul, viz.

1. Kuroonj.	12. Aptee.	23. Yelsee.
2. Ambegaum.	13. Kauter Kurruk.	24. Beburwohol.
3. Poosanee.	14. Mullowlee.	25. Reehey.
4. Chandkher.	15. Shewlee.	26. Pauchmney.
5. Keeley.	16. Aridew.	27. Bersee.
6. Sheotee.	17. Shewner.	28. Budowlee.
7. Sindgaum.	18. Bower.	29. Arrey.
8. Pawley.	19. Thoogaum.	30. Ooorsee.
9. Kurdey.	20. Purdowree.	31. Gotowra.
10. Sirowlee.	21. Muhagaum.	32. Adaley Khoord.
11. Ghewundee Alwun.	22. Koosgaum.	

The three (3) turufs, Kurree-Puthur, Sassor, and Soopa.

So much of the two (2) turufs Neer Thurree and Seerwul as lies north of the Neera river.

The six (6) turufs, Indapoor, Baramuttee, Mohol, Oondurtuppa to the west of the Seena river, Bhoosey, and Teimboornee.

The four (4) following villages of the turuf Kurkumb, viz.

1. Goorsally.	3. Kuroley.
2. Badulkot.	4. Oojeenee.

The two (2) following villages of the turuf Kathee, viz.

1. Sorstee.	2. Shunkurgaum.

The three (3) turufs, Sholapoor, Ahirwaree, and Mundroop.

The five (5) following villages denominated the Summot Phootgaum, viz.

1. Undal.	4. Darphul.
2. Mooranchee.	5. Mungrool.
3. Nerkher.	

The seven (7) turufs, Indee, Taumba, Hiperga, Julwud-Kokutnoor, Almela, Burdool, and Ooklee.

The three (3) following villages of the turuf Havelee Beejapoor, viz.

1. Ookmunhal.	2. Kowlga.	3. Ahleabad.

The four (4) following villages of the turuf Hortee, viz.

1. Ranjunhal.	3. Teelihal.
2. Minchunhal.	4. Kyatilkeery.

The kusba of Sindghee.

The six (6) following villages of the turuf Honwar, viz.

1. *Jaleehal.**	3. Yeteenhal.	5. Kultowteghee.
2. Ramteerut.	4. Arahullee.	6. Ghonusghee.

The seven (7) following villages of the turuf Antee, viz.

1. Arulhuttee.	4. Mungsoola.	6. Sumbarga.
2. Ubeehal.	5. Bulgheree.	7. Bemunhal.
3. Tungurree.		

* These two villages, having been transferred by exchange to the Sattara state, were excepted from the operation of the Regulations by Act VI. 1842.

The two (2) following villages of the turuf Hulsinghee, viz.

1. Bhutgoonkee.
2. Goteehal.

The six (6) following villages, viz.

1. Awurkor.
2. Heeney Puranlghee.
3. Soorpal.
4. Teengnee Beedree.
5. Hongalhullee.
6. Karjol.

The two (2) turufs, Tallicotta and Nalitwaur.

The kusba of Bhaghewaree, and the two (2) villages of Musbinhal and Yerwaul.

The four (4) following villages in the turuf Mohumudpoor, viz.

1. Jynapoor.
2. Boodenee.
3. *Oopuldinnee.**
Goorodhal.

The village of Bhaganuggur, turuf Sednak.

The seven (7) following villages of the turuf Chimulghee, viz.

1. Disalkop.
2. Mijurkop.
3. Mookarteehal.
4. Golsinghee.
5. Ghurree.
6. Liklewaree.
7. Maundghee.

ZILLAH OF AHMEDNUGGUR.

(Ahmednuggur Collectorship.)

Barsee Panch Mahals.

The Paishwa's share of the pergunnah Dokey.

The village of Wagholey in the Dharoor pergunnah.

So much of the pergunnah Havelee-Purinda as lies west of the Seena river, and the village of Sonaree to the east of the said river.

The two (2) pergunnahs of Jamkhair and Wanghee.

The Paishwa's share of Praunt Kurrewureet, and that part of the Nizam's share which lies west of the Seena river.

The Paishwa's share of the Ashtee pergunnah and the turuf Manoor.

The two (2) turufs Nuggur Havelee and Ranjungaum.

The pergunnah Parnair.

The nine (9) following villages in turuf Belhey, viz.

1. Dowulgaum.
2. Orngaum.
3. Kurnjowna.
4. Babra.
5. Kolgaum.
6. Seedoree.
7. Oookurgaum.
8. Ecsapoor.
9. Andulgaum.

The two (2) pergunnahs of Kurdah and Neywassa, except the village of Julkey.

The two (2) turufs Ganjih-Bhoeera and Wawrud.

The pergunnah Baragaum Nundoor.

The Paishwa's share of the two (2) pergunnahs Byzapoor and Gandapoor, together with the village of Takleo.

The pergunnah Sungumnair, together with the three (3) kusbas of Rhateh, Phooltamba, and Whawa.

The thirteen (13) pergunnahs, Dandurphul, Kotool, Ankola, Sinnur, Khoombaree, Patoda, Nassik, Trimbuk, Waghera, Wunnee, Deendoree, Shewgaum, and Chandor.

(Khandesh Collectorship.)

The thirteen (13) pergunnahs, Lulling, Songer, Nher, Amulner, Betawud, Dhangree, Gurondol, Jullod, Chundshuhr, Bhurgaum, Bhal, Ootran, and Muswa.

The pergunnah Pachora, which belongs to Sindia, but is governed by the British.

The turuf Lohara-Havelee, which belongs to Sindia, but is governed by the British.

The turuf Sangwee, in the Lohara pergunnah.

The five (5) pergunnahs Sendoornee, Chalessgaum, Rajdesh, Mahombaraee, and Manikpoory.

* See note preceding page.

Appendix (A), *continued.*

The eighteen (18) following villages of the Kunna pergunnah, viz.

1. Rolter.	7. Nyadongree.	13. Toonvuney.
2. Rohilla.	8. Sahkegaum.	14. Pullasgaum.
3. Porkree.	9. Kudrey.	15. Malpoor.
4. Mulligaum.	10. Kunedee.	16. Vetulpoor.
5. Champaneer.	11. Julgaum.	17. Mukrundurpoor.
6. Heengunney.	12. Jamdee.	18. Nursingpoor.

The two (2) kusbas of Ranjungaum and Jateygaum.

The twenty-four (24) pergunnahs, Galna, Chikulwal, Tokrah, Jorgah, Lohonair, Wakuree, Sandus, Jayteypoor, Pissol, Tilwur, Koralee, Otoor, Pala, Hutghur, Kunnassee, Pimpla, Pimpulnair, Dhywul, Warsa, Bhamain, Nowapoor, [*Nundoorbar, Sooltanpoor, and Kokurmoonda.*]

Specially excepted by Act XI. 1846, and placed under charge of an agent of the Governor.

The three (3) kusbas of Pankera, Oomurputta, and Chowpala.

The principality of Akranee.

The pergunnah of Choprah, which belongs to Sindia, but is governed by the British.

The two (2) pergunnahs of Thalner and Amba.

The kusba of Sindwa.

The pergunnah of Yawul, which belongs to Sindia, but is governed by the British.

The two (2) pergunnahs of Arawud and Sowda.

The village of Changdeo.

The pergunnah of Rawer, including the turuf of Pal.

The four (4) pergunnahs of Nusserabad, Jamnair, Bhoodwur, and Bornar.

See additional villages brought under the Regulations by Reg. X. 1830.

Reg. XXX. 1827.

A.D. 1827. REGULATION XXX.*

SUPPLEMENTS.

I. Regulation I. 1829. [Rescinded by Reg. IV. 1830.]
II. ——— XIX. 1830.

A REGULATION *enacting certain Modifications of Regulations XII. XIII. XIV. and XV. of* 1827, *with reference to the Zillahs of Poona and Ahmednuggur :* PASSED *by the Governor in Council at Bombay, on the* 1*st August,* 1827.

Preamble.

WHEREAS it has been judged expedient that certain modifications should be made in Regulations XII. XIII. XIV. and XV. of 1827, with reference to the zillahs of Poona and Ahmednuggur, the following Rules have been enacted, to have effect from 1st September, 1827.

The collector in the zillahs of the Dekkan and Khandesh is magistrate of the Sudder

II. *First.* With reference to the zillahs of Poona and Ahmednuggur, it is hereby enacted, that, in modification of the provisions of Regulation XII. A.D. 1827, Sections I. II. and III., the collector shall have charge of the

* The provisions of this Regulation were extended to the Southern Mahratta country (Dharwar) by Sec. ii. Reg. VII. 1830. The rules respecting the functions and jurisdiction of the session judge as prescribed in this Regulation are declared applicable to session judges generally by Sec. iii. Reg. III. 1830, and the rules relating to the assistant judges at Sholapoor and Dhoolia are declared generally applicable to assistant judges at detached stations by Sec. vi. of the same Regulation.

police at the Sudder station; and that as the zillah of Ahmednuggur comprises the two collectorships of Ahmednuggur and Khandesh, each collector, as zillah magistrate of his own collectorship, shall also have charge of the police at its Sudder station, and shall be styled "Magistrate of the Dekkan (or Khandesh) division of the zillah of Ahmednuggur," his official seal being inscribed accordingly.

station, as well as the rest of the collectorship.

Rescinded by Sec. iv. Reg. IV. 1830.

Second. [*That in modification of the provisions of Regulation XV. of* 1827, *Section XV. Clause Second, and Regulation XII. of* 1827, *Section XIII., the penal jurisdiction of the magistrate shall extend, under the former enactment, to fine and imprisonment for two* (2) *years, and under the latter enactment, to fine, ordinary imprisonment with hard labour for two* (2) *years, flogging not exceeding thirty* (30) *stripes, and personal restraint, any of which may be combined, and that*] it shall be a regular part of his permanent duties to commit offenders for trial at the sessions, as described in Regulation XII. A.D. 1827, Section XIII. Clause Third.

His penal jurisdiction. Fine, imprisonment with labour for two years, flogging 30 stripes and personal restraint singly or combined: he also always commits offenders for trial at the sessions.

III. *First.* With reference to the two above-mentioned zillahs, it is hereby enacted, in modification of the provisions of Regulation XIII. A.D. 1827, Section XIII., that the functions of the *criminal* judge, the *Court of Circuit*, and the *Special Court*, as therein enacted, shall, subject to the modifications described in the succeeding provisions of this Regulation, be united in the person of the judge, who shall, in the exercise of those functions, be denominated "session judge," the designations of his assistants being also regulated accordingly.

The session judge performs the functions of the *criminal judge*, *Court of Circuit*, and *Special Court*.

Modified by Sec. iv. Reg. VIII. 1831.

Second. The seal of the session judge shall be two inches in diameter, and shall bear in the English and Mahratta languages and characters the following inscription, "The Session Court of ———." The penal jurisdiction of the session judge shall extend to the adjudging of capital punishment; provided, however, that any case in which he shall pass sentence of capital punishment, or of imprisonment for a longer period than seven (7) years, shall be referred to the Sudder Foujdary Adawlut for its final orders, in the mode described in Clause Second of Section XIII. Regulation XIII. of 1827: the assistants to the session judge shall not possess penal jurisdiction, but it shall be competent to the Governor in Council, during the absence of the session judge, to confer, in the mode prescribed by Clause Fourth of the above-quoted section, on the assistant of highest rank on the spot, such penal jurisdiction, not exceeding that of the session judge, as Government may deem expedient.

His seal. The session judge may pass sentence of capital punishment; but in such case, or in a case of imprisonment for more than seven years, must refer to the Sudder Foujdary Adawlut; his assistants have no penal jurisdiction, but such as is thought fit may, in his absence, be conferred on an assistant.

See Reg. XI. 1828.

IV. With reference to the zillahs of Poona and Ahmednuggur, it is hereby provided, in modification of the rule contained in Regulation XIV. Section XVI. Clause Third, that the session judge may try perjuries charged to have been committed before himself, but that no sentence of punishment passed in such a case shall be enforced, except as confirmed by the Sudder Foujdary Adawlut, to which court the trial shall be referred in the mode prescribed for other trials requiring reference to the Sudder Foujdary Adawlut.

The session judge may try perjury alleged to have been committed before him; but before punishment, the trial must be referred to the Sudder Foujdary Adawlut.

V. The court of the session judge, when not occupied in the half-yearly session hereinafter enacted, will sit constantly at the Sudder station for the trial of offenders.

The session judge's court, while at the Sudder station, is constantly sitting:

it also holds half-yearly sessions at Sholapore or Dhoolia, where assistants are stationed to perform the duties of "*criminal* judge connected with the *Court of Circuit*."

VI. The session judges of Poona and Ahmednuggur shall hold half-yearly sessions at Sholapoor and Dhoolia respectively, under the rules applicable to *Courts of Circuit*; the said sessions shall be held twice a year, and shall commence on the 1st November and 1st May, or as soon after as may be conveniently practicable. The session judges of Poona and Ahmednuggur shall each have an assistant (or assistants, according to the established rules of subordination) stationed respectively at Sholapoor and Dhoolia, who shall (the one throughout such districts of the Poona zillah as Government may direct, and the other throughout the territories composing the Khandesh collectorship, as specified in Appendix (A) to Regulation XXIX. of 1827) discharge "the duties of the *criminal* judge connected with the *Court of Circuit*," as described in Chapter III. Regula-XIII. A.D. 1827; he shall also perform such duties as the session judge may enjoin in the preparation of cases, and in all other matters connected with his office.

See Reg. XI. 1828, and Secs. v. and vi. Reg. III. 1830.

VII. [Authority of session judge over magistrate.] *Rescinded by Section III. Regulation VIII.* 1831.

VIII. [Special powers of the Sudder Foujdary Adawlut.] *Rescinded by Sec. VI. Reg. VIII.* 1831.

Government is further vested with full power to grant indemnities, pardons, and mitigations.

IX. The Governor in Council reserves to himself full power to grant indemnities, pardons, and mitigations, as authorized by the Regulations, in all cases in which he may deem it expedient.

A.D. 1827. REGULATION XXXI.

Reg. XXXI. 1827.

A REGULATION *to explain the Principles on which the Introduction of the revised Code of Regulations is to be effected:* PASSED *by the Governor in Council at Bombay, on the* 1*st August*, 1827.

Preamble.

WHEREAS it has been enacted by Regulations XXVIII. XXIX. and XXX. of 1827, that the revised code of Regulations, numbered from I. to XXVI. of 1827, with certain alterations, modifications, and exceptions, is to commence operation on the 1st September, 1827, throughout the zillahs subordinate to Bombay, in Guzerat, the Konkans, the Dekkan, and Khandesh; and whereas it is necessary to declare the principles on which the commencement of the operation of the new Regulations is to be conducted;—the following Rules have therefore been enacted:—

Public officers appointed and qualified to the 1st September, to be held duly qualified.

II. *First.* All public functionaries, European and native, in the judicial department, inclusive of superintendents of military bazars, and in the revenue or *commercial* departments, filling offices and charged with duties to the 1st September, 1827, under the Regulations as regards the presidency and the zillahs of Guzerat and the Konkans, and under the orders of Government as regards the Dekkan and Khandesh, are hereby declared to be duly appointed and qualified to act under the new Regulations, in the

same way as if they had been appointed and qualified under the Regulations of 1827:

Second. But registers and assistant registers of Zillah Courts will, from the above-mentioned date, in supersession of their present designations, be styled in the civil department, "senior and junior assistant judges," and in the criminal department in Guzerat and the Konkans, "senior and junior assistant *criminal* judges;" [*and moonsiffs in the zillahs of the Dekkan and Khandesh will also, in supersession of their present designation, be styled "commissioners"*]:

But the designations register and assistant register in the Zillah Courts are abolished: also that of moonsiffs.

Superseded by Act XXIV. 1836.

Third. All pleaders authorizedly practising in the several courts to the 1st September, 1827, are hereby declared to be duly qualified to act under the new Regulations, in the same way if they had been duly appointed under Section XLVIII. Regulation II. [*or Section VII. Regulation XXIX. of* 1827]:

Pleaders duly practising to the 1st September are held to be qualified.

Rescinded by Act I. 1846.

Fourth. [Limits of criminal judges' police jurisdiction.] *Rescinded by Section I. Regulation IV.* 1830.

Fifth. The limits of military cantonments, duly marked under the provisions of Regulation III. of 1826, throughout the zillahs of Guzerat, the Konkans, the Dekkan and Khandesh, shall be held to be the legal limits, in the same way as if they had been marked out under the provisions of Regulation XXII. of 1827, Section XXI. Clause First:

And marked cantonments deemed to have been laid down according to the new Regulations.

Sixth. All civil and criminal proceedings in progress to the first September, 1827, will continue before the authorities taking cognizance of them, and will be further conducted according to the rules contained in the Regulations of 1827; but the Sudder Adawlut shall have authority to direct this course to be deviated from, whenever the said court shall consider it to be attended with great inconvenience, or with injustice to any one; and it will be the duty of subordinate authorities to refer all doubtful cases of this nature to the Sudder Adawlut for its instructions.

Suits and cases in progress to be conducted according to the new Regulations, but the Sudder Adawlut may direct otherwise for good reasons.

(REVENUE BRANCH.)

A.D. 1827. REGULATION XXXII.*

Reg. XXXII. 1827.

[SUPPLEMENT 1ST TO REGULATION XIX. OF 1827.]

A REGULATION *for increasing the Taxes on Carriages and Horses at the Presidency, made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, and passed by the Governor in Council at Bombay, on the 3rd September,* 1827.

WHEREAS it has been deemed expedient that the taxes hitherto levied on carriages and horses at the presidency should be increased, the fol-

Preamble.

* It is enacted by Section ii. Act VII. 1836, that the provisions of this Regulation shall constitute the law for the collection of the several taxes herein enumerated, and for all the purposes for which it was passed.

lowing rules for that purpose have been enacted by the authority of the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, and shall have effect from the date of promulgation.

Former enactment rescinded.

I. *First.* Clause First, Section XXIV. Regulation XIX. A.D. 1827, is hereby rescinded: See Act XI. 1845.

Rates of assessment on carriages and draught cattle.

Second. The taxes on carriages and horses used on the island of Bombay shall in future be assessed and levied according to the following rates:

On every four-wheel carriage, four (4) rupees per month:

On every two-wheel carriage on springs, three (3) rupees per month:

On every two-wheel carriage without springs, except such as are drawn by bullocks, two (2) rupees per month:

On every two-wheel carriage used for riding, and drawn by bullocks, one rupee and a half per month:

On every two-wheel carriage used for carrying loads, and drawn by bullocks, if the wheel be of the breadth of two inches and a half, one quarter of a rupee per month:

If the wheel be narrower than above specified, three quarters of a rupee per month:

On every riding horse, one rupee and a half per month.

(REVENUE BRANCH.)

Reg. XXXIII. 1827.

A.D. 1827. REGULATION XXXIII.*

[SUPPLEMENT 1ST TO REGULATION XXI. OF 1827.]

A REGULATION *for modifying the Provisions in force regarding the Duty levied and Drawback allowed on Tobacco imported into or exported from the Presidency of Bombay, or the Zillahs subordinate thereto, and the amount of Duty leviable on Spirits manufactured or imported within the said Presidency or Zillahs, made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, and passed by the Governor in Council at Bombay, on the* 3rd *September*, 1827.

Preamble.

Whereas it has been deemed expedient to revise and modify the existing rules regarding the amount of duty levied and drawback allowed on tobacco imported into or exported from the presidency of Bombay, or the zillahs

* Of this Regulation, which relates to duties both on tobacco and on spirits, so much as concerns fixed duties on the import and export of either of those articles, was rescinded by Sec. ii. Act I. 1838. The duty on the *manufacture* of spirituous liquors, settled by Sec. ii. of this enactment, is not affected by the provisions above quoted of Act I. 1838. Act XXIV. 1850, which modifies the special duties on tobacco, wholly rescinds and repeals this Regulation, leaving the duty on the manufacture of spirits apparently unprovided for.

subordinate thereto, and regarding the duty leviable on spirits manufactured or imported within the said presidency or zillahs, the following Rules have therefore been enacted by the authority of the Governor in Council with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, and shall have effect from the date of promulgation.

The rates of duty on spirits rescinded.

II. First. The rates of duty hitherto leviable on spirits, both at Bombay and in the zillahs subordinate thereto, are hereby abolished, and the following rules are enacted in substitution.

Spirits pay as Government direct, within 1 1 40 per gallon.

See Sched. Act IX. 1845.

Second. The duty on spirituous liquors manufactured at the presidency of Bombay, according to the rules duly enacted on that subject, or in any of the zillahs subordinate thereto, according to the provisions of Chapter XI. of Regulation XXI. A.D. 1827, *or imported at Bombay, or (consistently with the provisions of Section LXV. Clause First of Regulation XXI. A.D.* 1827), *into any of the zillahs subordinate thereto, shall be regulated by the orders of Government for each place respectively, but shall in no case exceed* (1 1 40) *one rupee one quarter and forty reas per gallon.*

Importations of spirits from British ports, to what duties subject.

See Sec. xix. Act I. 1836.

Third. Spirits having paid at any British port the duty leviable under Clause Second of this section, in addition to the established customs of such port, may be imported free of any additional duty, into any other British port, unless the duty paid under Clause Second of this section be lower than that established under the said clause at the port of import, in which case the difference shall be paid.

(REVENUE BRANCH.)

A.D. 1827. REGULATION XXXIV.

Reg. XXXIV. 1827.

[SUPPLEMENT 1ST TO REGULATION XVII. OF 1827.]

A REGULATION *for vesting the Nawab of Surat with more extensive Powers in compelling Payment of his Dues from his Tenants and Cultivators:* PASSED *by the Governor in Council at Bombay, on the* 24*th September,* 1827.

Preamble.

WHEREAS the authority secured to the Nawab of Surat by Regulation XVII. of 1827, Section XXIX. Clause Second, to confine his defaulting tenants and cultivators for a period not exceeding thirty (30) days, in order to enforce payment of his rent, appears inadequate to the object in view, the following rules are therefore enacted, to take effect from the date of promulgation.

The Nawab of Surat may imprison his defaulting tenants and cultivators until his

See Act XVIII. 1848.

I. So much of Clause Second, Section XXIX. Regulation XVII. of 1827, as limits to thirty (30) days the period during which the Nawab of Surat may confine his defaulting tenants and cultivators is hereby

demands are satisfied; and also attach and sell a defaulter's property within certain limitations.

rescinded, and the Nawab is hereby empowered to hold the said defaulters in confinement continuously, or at intervals, until his demands shall be satisfied; authority to attach and sell a defaulting tenant's property with the limitation prescribed in the concluding part of Clause Second, Section LXII. Regulation IV. of 1827, being likewise vested in his Excellency.

(BRANCH OF CIVIL JUDICATURE.)

Reg. I. 1828.

A.D. 1828. REGULATION I.

[SUPPLEMENT 1ST TO REGULATION XXVII. OF 1827.]

A REGULATION *for rendering the Designation and Duties of the Officers employed, under Regulation XXVII. of* 1827, *in the Civil Administration of the Broach Collectorship, conformable to the Rules of the revised Code of Regulations, and declaring the substitution of the said Code for the Regulations issued previously to 1st January,* 1827: PASSED *by the Governor in Council of Bombay, on the 17th of January,* 1828.

[Rescinded by Regulation IX. 1828.]

(BRANCH OF CRIMINAL JUDICATURE.)

Reg. II. 1828.

A.D. 1828. REGULATION II.

[SUPPLEMENT 2ND TO REGULATION XXVII. OF 1827.]

A REGULATION *for rendering the Duties of the Officers of the Department of Criminal Justice employed under Regulation XXVII. of* 1827, *in the Administration of the Broach Collectorship, conformable to the Rules of the revised Code of Regulations:* PASSED *by the Governor in Council of Bombay, on the 17th January,* 1828.

[Rescinded by Regulation X. 1828.]

(REVENUE BRANCH.)

A.D. 1828. REGULATION III.

Reg. III. 1828.

[SUPPLEMENT 1ST TO REGULATION XVIII. OF 1827.]

A REGULATION *for subjecting to the Stamp Duty certain Plaints and other Papers exempted therefrom under Regulation XVIII. of* 1827: PASSED *by the Governor in Council of Bombay, on the* 21*st day of May*, 1828.

Preamble.

WHEREAS the exemption from the stamp duty conferred by the provisions of Regulation XVIII. of 1827, on plaints and other papers in original suits not exceeding rupees (100) one hundred in amount, and on the additional paper required in any pleading beyond the stamp material, has been found to occasion great inconvenience by the multiplication of unnecessary lawsuits, and the needless promulgation of pleadings;—the following Rules have therefore been enacted for the purpose of removing those evils, and shall have effect, from the date of promulgation, through the territories subject to Regulation XVIII. of 1827.

Papers in original suits, above one rupee in amount, subjected to the stamp duty.

I. *First.* So much of Regulation XVIII. Section XV. Clause First, Section XVIII. Clause First, and Appendixes (C) and (D) to that Regulation, as exempts from the stamp duty plaints and other papers in original suits above one rupee, and not exceeding rupees (100) one hundred in amount, is hereby rescinded, and plaints and other papers in these suits shall hereafter be subject to the same stamp duty as is prescribed in the case of appeals of the same amount in Appendixes (C) and (D) to Regulation XVIII.

Additions to the stamped material used in pleading to be the stamped material for an ordinary application, or (if it is of lower value) that of the stamped material to which they are added.

Second. In modification of Section XXI. of Regulation XVIII. of 1827, it is hereby enacted, that the material used in addition to the prescribed stamped material in any pleading, shall be the stamped material of the value of an ordinary application to the court trying the suit, or of the value of the stamped material to which it is added, in case the latter should be of smaller amount.

(REVENUE BRANCH.)

Reg IV. 1828

A.D. 1828. REGULATION IV.

[SUPPLEMENT 1ST TO REGULATION XXIX. OF 1827.]

A REGULATION *for bringing under the Operation of the Stamp Regulations the Bombay Territories in the Dekkan and Khandesh, including Sholapoor:* PASSED *by the Governor in Council of Bombay, on the 21st day of May,* 1828.

Preamble

WHEREAS by Section II. Clause First of Regulation XXIX. of 1827, the Bombay territories in the Dekkan and Khandesh, including Sholapoor, are exempted from the provisions of Regulation XVIII., and of any enactments relating to stamps, and it being now judged expedient that the said exemptions should no longer continue in force, the following rules are enacted.

Regulation XVIII. and enactments relating to stamps, made applicable to the Dekkan and Khandesh, including Sholapoor

I. That the provisions of Regulation XVIII. of 1827, and of any enactments relating to stamps, be brought into operation in the abovenamed territories from the date of promulgation of this Regulation.

(BRANCH OF CIVIL JUDICATURE.)

Reg V 1828

A.D. 1828. REGULATION V.

[SUPPLEMENT 2ND TO REGULATION XXIX. OF 1827.]

A REGULATION *for prescribing Rules under which the Jurisdiction of the Deputy Agent for the adjusting of Sirdars' Claims in the Dekkan, in the trial of Suits against Sirdars, shall be executed; and for defining in certain instances the Powers of the Agent to hear and determine Appeals from his Deputy:* PASSED *by the Honourable the Governor in Council at Bombay, on the 21st day of May,* 1828.

[Rescinded by Section I. Regulation I. 1884.]

(REVENUE BRANCH.)

A.D. 1828. REGULATION VI.

Reg VI. 1828

[SUPPLEMENT 2ND TO REGULATION XVII. OF 1827.]

A REGULATION *for extending in the same manner as in Suits before the Courts of Civil Judicature, Stamps to Suits cognizable by Collectors under the Operation of Chapter VIII. Regulation XVII. of* 1827, *or any other now in force:* PASSED *by the Governor in Council of Bombay, on the* 18*th day of June,* 1828.

Preamble

WHEREAS it has been deemed expedient to extend the provisions of Regulation XVIII. of 1827 to suits cognizable by collectors, under the operation of Chapter VIII. Regulation XVII. of 1827, or any other now in force, in the same manner as in suits before the courts of civil judicature;—the following Rules have in consequence been enacted, to take effect from the date of promulgation.

Stamp Regulations extended to suits before collectors, in the same manner as now in force in regard to suits before civil courts

I. Suits cognizable before collectors, under the operation of Chapter VIII. Regulation XVII. of 1827, shall be subject to the same rules, in regard to stamps, as are in force for the courts of civil judicature.

(BRANCH OF CIVIL JUDICATURE.)

A.D. 1828. REGULATION VII.

Reg VII. 1828.

[SUPPLEMENT 1ST TO REGULATION II. A.D 1827.]

A REGULATION *instituting a Court of Appeal for the Zillahs comprised in the Province of Guzerat, subordinate to the Supreme Civil Jurisdiction of the Sudder Dewanny Adawlut:* PASSED *by the Honourable the Governor in Council of Bombay, on the* 20*th of August,* 1828.

[Rescinded by Section I. Regulation I. 1830.]

(BRANCH OF CRIMINAL JUDICATURE.)

Reg. VIII. 1828.

A.D. 1828. REGULATION VIII.

[SUPPLEMENT 1ST TO REGULATION XIII. OF 1827.]

A REGULATION *instituting a Provincial Court of Circuit for the Zillahs comprised in the Province of Guzerat, subject to the Supreme Criminal Jurisdiction of the Sudder Foujdary Adawlut, upon the removal of that Court to the Presidency, and providing for the Charge of Gaols where there is no Criminal Judge or Assistant Criminal Judge:* PASSED *by the Governor in Council of Bombay, on the* 20*th of August*, 1828.

[Rescinded by Section I. Regulation III. 1830.]

(BRANCH OF CIVIL JUDICATURE.)

Reg IX. 1828

A.D. 1828. REGULATION IX.

[SUPPLEMENT 3RD TO REGULATION XXVII. A.D. 1827.]

A REGULATION *for rescinding Regulation I. of A.D.* 1828 (*Supplement* 1*st of Regulation XXVII. of A.D.* 1827), *as well as so much of the latter as relates to Civil Jurisdiction:* PASSED *by the Governor in Council of Bombay, on the* 20*th August*, 1828.

Preamble.

WHEREAS it is judged advisable to rescind all Regulations connected with civil jurisdiction within the territory composing the late zillah of Broach, in order to render the operation of the code uniform; — the following rule has therefore been enacted, to be in force from the date of promulgation.

Rescission of Reg. I. of 1828 (the 1st Supplement of Reg XXVII. of 1827), as well as of Regulation XXVII. of 1827.

Regulation I. of A.D. 1828 (the 1st Supplement to Regulation XXVII. of 1827), and so much of Regulation XXVII. of A.D. 1827 as relates to civil jurisdiction within the territory composing the collectorship of Broach, are hereby rescinded.

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1828. REGULATION X.

Reg X 1828.

[SUPPLEMENT 4TH TO REGULATION XXVII. OF 1827.]

A REGULATION *for rescinding Regulation II. A.D.* 1828 (*2nd Supplement to Regulation XXVII. of A.D.* 1827), *as well as so much of the latter as relates to Police and Criminal Jurisdiction:* PASSED *by the Governor in Council of Bombay, on the* 20*th of August,* 1828.

Preamble.

WHEREAS it is judged advisable to rescind all Regulations connected with the police and criminal jurisdiction within the territory composing the late zillah of Broach, in order to render the operation of the code uniform ;—the following rule has therefore been enacted, to be in force from the date of promulgation.

Rescission of Reg II of 1828 (the 2nd Supplement of Reg XXVII of 1827), as well as of Regulation XXVII. of 1827

Regulation II. of A.D. 1828 (the 2nd Supplement to Regulation XXVII. of 1827), and so much of Regulation XXVII. of A.D. 1827 as relates to the police and criminal jurisdiction within the territory composing the collectorship of Broach, are hereby rescinded.

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1828. REGULATION XI.

Reg XI 1828

[SUPPLEMENT 2ND TO REGULATION XIII. A.D. 1827.]

A REGULATION *for rendering, where expedient, the Powers of Assistant Criminal Judges co-extensive with Assistant Judge, in regard to the Limit of Civil Jurisdiction, when stationed elsewhere than at the Sudder Station of a Zillah, and extending their Powers:* PASSED *by the Governor in Council of Bombay, on the* 20*th of August,* 1828.

Preamble.

WHEREAS no provision has been made for conferring on assistant judges, who may be stationed elsewhere than at a Zillah Sudder station, criminal jurisdiction, and as such powers may occasionally be necessary, the following rules are passed, to have effect from the date of promulgation.

See Sec vi Reg. III. 1830.

An assistant *criminal* judge, when stationed in the districts, may

Whenever an assistant judge may be authorized to hold his court elsewhere than at the Sudder station of a zillah, under the provisions of

exercise criminal jurisdiction, if judged advisable.

He may also have extended powers conferred on him.

Clause Second, Section XXVIII. Regulation II. of 1827, it shall be competent for Government to authorize him, in his capacity of assistant *criminal* judge, to perform all or any part of the duties that may be confided to an assistant *criminal* judge under the Regulations in force within the limits of his civil jurisdiction; and, should Government see fit, it may further invest him with all or any part of the authority of a *criminal* judge, in preparing cases for trial by the *Court of Circuit*, the charge of a gaol, or other matter; the requisite instructions being communicated by Government to the Sudder Foujdary Adawlut, and conveyed to the said assistant through the *criminal* judge of the zillah, who will also publish a notification thereof in the language of the district.

(BRANCH OF CRIMINAL JUDICATURE.)

Reg. XII. 1828.

A.D. 1828. REGULATION XII.

[SUPPLEMENT 1ST OF REGULATION XII. A.D. 1827.]

A REGULATION *for giving to Assistant Criminal Judges, where expedient, when stationed elsewhere than at the Sudder Station of a Zillah, the Police Powers within the limits of the Town where he may be stationed; and for empowering Zillah Magistrates to refer Cases to such Assistant Criminal Judge, instead of the Criminal Judge:* PASSED *by the Governor in Council of Bombay, on the 20th of August,* 1828.

[Rescinded by Section I. Regulation III. 1830.]

(BRANCH OF CIVIL JUDICATURE.)

Reg. XIII. 1828.

A.D. 1828. REGULATION XIII.

[SUPPLEMENT 1ST TO REGULATION IX. OF 1827.]

A REGULATION *for enabling Assistant Judges, when expedient, to keep the Registers prescribed by Regulation II. of* 1827, *when stationed in the Districts:* PASSED *by the Governor in Council of Bombay, on the 20th of August,* 1828.

Preamble.

WHEREAS, for the convenience of the community within the limits of the civil jurisdiction which may be placed under an assistant judge, by virtue of Clause Second, Section XXVIII. Regulation II. 1827, it is

judged advisable that Government, if it may so deem it expedient, shall be empowered to direct that the registers of deeds and general register, established by Regulation IX. of 1827, be kept by the assistant judge, for the whole or any part of his jurisdiction;—the following rules have therefore been enacted, to have effect from the date of promulgation.

Registry of deeds, &c. may be confined to assistant judges, if stationed in the districts.

When an assistant judge is stationed elsewhere than at the seat of the Zillah Court, under the provisions of Clause Second, Section XXVIII. Regulation II. of 1827, the registers for deeds, and other documents, established by Regulation IX. of 1827, may, if the Governor in Council shall so determine, be kept by the assistant judge, for the whole or any portion of his jurisdiction, as Government may direct.

(REVENUE BRANCH.)

A.D. 1828. REGULATION XIV.

Reg. XIV. 1828.

A REGULATION *for levying a Toll at the Sion Causeway, made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India:* PASSED *by the Governor in Council of Bombay, on the 3rd of September,* 1828.

Preamble.

WHEREAS the Government of Bombay has, at considerable expense to the Honourable Company, widened the causeway which connects the islands of Bombay and Salsette, so as greatly to improve the said communication in point of safety and convenience to the public, and it has in consequence been deemed just and expedient to levy a toll on the passage of vehicles of various descriptions, and of horses and tatoos, horned cattle, sheep, and goats, over the said causeway;—the following rules have therefore been enacted by the authority of the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, and shall have effect from the 1st of November next.

Rates of toll established for the Sion Causeway.

See Secs. ii. and iii. Act I. 1836.

I. The following rates of toll are hereby authorized and directed to be levied at the Sion Causeway:—

On four-wheeled carriages on springs, of every description, half a rupee each going, and the same returning.

On two-wheeled carriages on springs, exclusive of native hackeries, one quarter of a rupee each going, and the same returning.

On saddle or harness horses, half an anna each ditto, ditto.

On native hackeries on springs, one anna each ditto, ditto.

On labour-carts and labour-hackeries, without springs, one quarter of an anna each ditto, ditto.

On tatoos of burthen, and on cattle of every description, in the proportion of one anna for eight ditto, ditto.

On sheep and goats, in the proportion of one anna per score going, and the same returning.

To be levied at Sion by the collector's officers;

II. *First.* The collector of the toll shall be placed under the superintendence of the collector of Bombay, and the toll shall be levied at Sion by such officer or officers on the collector's establishment as he may appoint to that duty, for the due execution of which they shall be liable to the same responsibilities as would attach to them in the collection of the land revenue.

who, in case of non-payment, may detain property, and demand aid in executing their duty from the police.

Second. In case of non-payment of the toll, the collector's officers are authorized to stop the property on which it is chargeable, or so much of it as may be adequate to the discharge of the amount due, and all police officers are required, when called upon, to aid the collector's officers in the execution of their duty, and are hereby vested with the same powers, for that purpose, as they possess in the exercise of their ordinary duties in the police.

Property so detained may be sold to pay the toll, and moderate fine for contumacious non-payment.

Third. If, when property is detained by virtue of the preceding clause, the toll remains undischarged for 24 hours, the case shall be brought before the collector, if he be a justice of peace for the island of Bombay, and the collector, or other justice of peace, shall have authority, after due investigation had, to cause payment to be made of the toll which may be due, together with such moderate fine, not exceeding rupees five (5), in cases of contumacious non-payment, as may appear expedient, out of the proceeds of the property so detained, the sale of which shall be made under the warrant of a justice, to be issued as prescribed in similar cases in Regulation XIX. A.D. 1827, Section XIV. Clause First.

(REVENUE BRANCH.)

Reg. XV. 1828.

A.D. 1828. REGULATION XV.

[SUPPLEMENT 2ND TO REGULATION XXI. OF 1827.]

A REGULATION *for modifying the Provisions in force regarding the Duty levied on Tobacco imported into or exported from the Zillahs subordinate to the Presidency of Bombay:* PASSED *by the Governor in Council at Bombay, on the* 10*th of September,* 1828.

[Repealed by Section I. Act XXIV. 1850.]

(CRIMINAL BRANCH OF JUDICATURE.)

A.D. 1828. REGULATION XVI.

Reg XVI 1828.

[SUPPLEMENT 3RD TO REGULATION XIII. A.D. 1827.]

A REGULATION *for establishing Subsidiary Gaols, where necessary:* PASSED *by the Governor in Council of Bombay, on the 24th of September,* 1828.

Preamble

WHEREAS it is expedient, in extensive zillahs, that subsidiary gaols should be established where required;—the following rules have therefore been enacted, to have effect from the date of promulgation.

Subsidiary gaols may, by order of Government, be established in any zillah.

I. Independent of the criminal gaol in each zillah, provided for in Chapter VII. Regulation XIII. 1827, the Governor in Council, whenever he may deem it advisable, may, by an order, direct one or more subsidiary gaols to be established in any zillah.

and placed under charge of a public officer

II. Subsidiary gaols shall be placed under the charge of such public officer as may be most convenient for its necessary superintendence.

The management of them to be under the same rules as the zillah gaol, and used as Government may direct

III. The management of subsidiary gaols shall in every respect be under the same rules, so far as circumstances will admit, as the zillah criminal gaol, and be used in such manner as Government may direct.

When established in a zillah, the order to be sent to the judge through the Sudder Adawlut.

IV. Whenever a subsidiary gaol is established in any zillah, the order shall be communicated to the judge of the zillah, through the Sudder Foujdary Adawlut.

To be visited by the *judge on circuit*, or if inconvenient, he may direct the zillah judge to visit and report on them.

V. When possible, subsidiary gaols shall be visited in the same manner as is directed for zillah criminal gaols, by the *judge on circuit;* but, from being out of the way, or other good cause, established to the satisfaction of the Sudder Foujdary Adawlut, it may be competent for that court to direct the zillah *criminal* judge personally to visit such gaols immediately on the conclusion of a session, making a report to the *judge on circuit* of all matters necessary regarding them.

(BRANCH OF CRIMINAL JUDICATURE.)

Reg. XVII. 1828.

A.D. 1828. REGULATION XVII.

[SUPPLEMENT 1ST TO REGULATION XIV. OF 1827.]

A REGULATION *to provide for the Punishment of the Crime of Conspiracy:* PASSED *by the Honourable the Governor in Council of Bombay, on the 3rd day of December*, 1828.

Preamble.

WHEREAS it has been judged expedient to provide for the punishment of the crime of conspiracy;—the following rules are therefore enacted, to have effect from the date of promulgation.

Definition of the crime of conspiracy: persons guilty of such, subject to punishment, although purpose not effected.

I. Any persons who shall conspire or combine together to obstruct, pervert, or defeat the course of public justice, or to injure the public health, or who shall combine together to impoverish or injure any individual or individuals, or who shall enter into a combination to effect a corrupt or illegal purpose, or to effect a legal purpose by illegal means, shall be subject to the punishment of conspiracy, although such purpose be not effected.

Punishment, fine or imprisonment, or both, and by finding sureties.

II. Conspiracy shall be punished by fine or imprisonment, not exceeding ten years, or by both these punishments combined, and by finding sureties for good behaviour, according to the Regulations.

(BRANCH OF CRIMINAL JUDICATURE.)

Reg. I. 1829.

A.D. 1829. REGULATION I.

[SUPPLEMENT 1ST TO REGULATION XXX. A.D. 1827.]

A REGULATION *for extending the Penal Jurisdiction of the Assistants to the Magistrates in the Dekkan:* PASSED *by the Governor in Council at Bombay, on the 15th of April*, 1829.

[Rescinded by Section IV. Regulation IV. 1830.]

(MILITARY BRANCH.)

A.D. 1829. REGULATION II.

Reg. II. 1829.

A REGULATION *for establishing Rules and Articles for the better government of the Native Officers and Sepoys in the Service of the United Company of Merchants of England Trading to the East Indies under the Presidency of Bombay:* PASSED *by the Governor in Council of Bombay, on the 19th day of August,* 1829.

[Superseded by Act XIX. 1847.]

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1829. REGULATION III.

Reg. III. 1829.

[SUPPLEMENT 2ND TO REGULATION XIV. OF 1827.]

A REGULATION *to provide for the Punishment of Frauds committed in the Packing and Sale of Cotton:* PASSED *by the Governor in Council of Bombay, on the 18th day of November,* 1829.

Preamble.

WHEREAS numerous and various kinds of frauds are committed in the packing and preparation of cotton for sale, to the great detriment and injury of the trade in that staple commodity; and whereas, to check and eradicate an evil of such pernicious consequences to the trade, it is expedient to provide for the punishment of the frauds so practised: And whereas it is expedient, from the short interval that elapses between the gathering of the cotton and the period when it must be shipped from the ports of Guzerat, to provide that the cognizance of the offence committed should be had with the least possible delay;—the following rules have therefore been enacted, to have effect from the date of promulgation.

Persons mixing good and bad cotton, and selling the whole fraudulently as good cotton, declared guilty of a penal offence.

1. *First.* Any person fraudulently mixing good and bad descriptions of cotton in one bale, termed "false packing," and fraudulently offering for sale, or selling cotton so packed, as good cotton, shall be deemed to be guilty of a penal offence, and punishable as provided in the following section.

Persons mixing dirt, &c. with cotton, to add to its weight, declared guilty of a penal offence.

Second. Any person fraudulently deteriorating cotton by exposing it by night to heavy dews, by putting dirt, stones, earth, or any other substance, or salt water, amongst it, with the view of making it heavier, and packing it in that state to the injury of the staple, shall be deemed to be guilty of

a penal offence, and any person so deteriorating cotton, or fraudulently offering it for sale, or selling it when so deteriorated, shall be punishable in the mode prescribed in the following section.

Such frauds punishable by imprisonment and fine.

II. *First.* Frauds thus committed, and above made penal, shall be punished with fine and imprisonment, for the first offence, not exceeding two years; and on a conviction of a second or more offences, with fine and imprisonment, not exceeding seven years.

And the cotton fraudulently deteriorated liable to confiscation.

Second. And it is further enacted, that cotton so fraudulenty offered for sale, and sold, shall be liable to confiscation, and to be burnt, or otherwise destroyed, when the loss by such confiscation can be made to fall upon the person or persons who have been convicted of having committed the fraud.

Offences under this Regulation, how tried and punished.

III. And it is further enacted, that all offences coming under this Regulation shall be taken cognizance of and punished by the magisterial authorities, without delay, and by such summary process as the Regulations will admit of.

(BRANCH OF CIVIL JUDICATURE.)

Reg. I. 1830.

A.D. 1830. REGULATION I.

[SUPPLEMENT 2ND TO REGULATION II. OF 1827.]

A REGULATION *rescinding Regulation VII. of* 1828, *and extending the Jurisdiction of Native Commissioners to the Cognizance of all Original Suits, of whatever Amount:* PASSED *by the Honourable the Governor in Council of Bombay, on the* 27*th day of January,* 1830.

Preamble.

WHEREAS it has been deemed expedient to rescind Regulation VII. of 1828, and to extend the jurisdiction of the *native commissioners* to the cognizance of all original suits, whatever may be the amount at issue, with certain exceptions;—the following Rules have been enacted, to have effect from the date of promulgation.

Rescission of Regulation VII. of 1828.

Records of the court of appeal to be transferred to the Sudder Dewanny Adawlut, with all pending appeals.

I. *First.* Regulation VII. of 1828 is hereby rescinded.

Second. All the records of the Guzerat Court of Appeal are to be made over to the Sudder Dewanny Adawlut, together with all appeals and other business within the jurisdiction of the Court of Appeal which may be undecided and unfinished, on the commencement of the operation of this Regulation.

And they shall be taken up and decided as appeals and business before the Court of Sudder Dewanny Adawlut.

Third. All such appeals, and other business so made over, shall be taken up and decided by the Sudder Dewanny Adawlut as appeals and business before that court.

II. A member of Council shall be chief judge of the Sudder Dewanny and Sudder Foujdary Adawlut; but in order that no unnecessary addition may be made to the extensive duties of his higher office, his functions as chief judge shall be limited to his officiating as such when a competent court for the decision of the suit or other matter under consideration cannot otherwise be had.

A member of Council to be chief judge of the Sudder Adawlut.

III. In modification of the rules contained in Clauses Five and Six of Section XXVIII. of Regulation II. of 1827, or any other Regulation now in force, empowering judges to refer suits to their assistants, it is hereby enacted that original suits, excepting in cases hereafter provided, shall not be referred by the judge to his assistants for trial.

See Sec. ii. Reg. VII. 1831.

Original suits not to be referred to assistant judges, with certain exceptions.

IV. *First.* The jurisdiction of senior assistant judge, stationed elsewhere than at the Sudder station, or in another zillah, as provided in the rules contained in Clause Second, Section XXVIII. of Regulation II. of 1827, shall extend to the cognizance of appeals from the decisions of *native commissioners*, when the amount does not exceed (5,000) five thousand rupees.

An assistant judge at a detached station to decide appeals to Rs. 5,000.

Second. And when the state of judicial business requires it, the same jurisdiction to try such appeals may be extended to the senior assistant at the Sudder station, by order of the Honourable the Governor in Council, communicated through the Sudder Dewanny Adawlut.

The same jurisdiction may be granted by Government to an assistant judge at the Sudder Station.

V. *First.* In extension of the jurisdiction, by Clause Third, Section XXXVII. Regulation II. of 1827, in *native commissioners*, it is hereby enacted that the jurisdiction of *native commissioners* shall extend to the decision of all original suits, of whatever amount, that may be either filed in their courts or may be referred to them by the judge or the assistant judge at the detached station, with the exception of suits that may be instituted under the provisions of Section XXII. of Regulation II. of 1827, or are reserved under Section XLIII. of the same Regulation, or that may come within the jurisdiction of the collector or his officers in pursuance of Chapter VIII. Regulation XVII. of 1827, or its subsequent modifications.

Modified by Clause Second, Section iii. Reg. XVIII. 1831. See Acts XI. 1836, and III. 1839.

The jurisdiction of *native commissioners* extended to the cognizance of all original suits, with certain exceptions.

Second. Original suits not tried by the *native commissioners*, as coming under Section XXII. and Section XLIII. Regulation II. of 1827, are to be tried by the judge, or may be referred by him to his assistants.

See Sec. iv. Reg. VII. 1831, and Act XI. 1836.

Original suits excepted from the jurisdiction of the *native commissioners*, to be tried by the judge, or referred by him to his assistants.

Third. All original suits now pending and in progress before any judge or assistant judge are to be referred and made over for trial and decision to the native commissioners in whose jurisdictions they may lie.

All original suits now pending to be referred to the native commissioners.

(BRANCH OF CIVIL JUDICATURE.)

Reg. II. 1830.

A.D. 1830. REGULATION II.

[SUPPLEMENT 1ST TO REGULATION IV. 1827.]

A REGULATION *for modifying the Rules in respect to the Admission of Appeals:* PASSED *by the Honourable the Governor in Council of Bombay, on the 27th day of January,* 1830.

[Rescinded by Section I. Regulation VII. 1831.]

(BRANCH OF CRIMINAL JUDICATURE.)

Reg. III. 1830.

A.D. 1830. REGULATION III.

[SUPPLEMENT 4TH TO REGULATION XIII. OF 1827.]

A REGULATION *rescinding Regulations VIII. and XII. of* 1828, *and vesting the Criminal Judges with the Powers and Functions of Session Judges:* PASSED *by the Honourable the Governor in Council of Bombay, on the 27th day of January,* 1830.

Preamble.

WHEREAS it has been deemed expedient to rescind Regulations VIII. and XII. of 1828, and under the abolition thereby of the *Provincial Court of Circuit,* to vest, for the due administration of justice, the *criminal* judges with the powers and functions of session judges;—the following rules have therefore been enacted, to take effect from the date of promulgation.

Rescission of Regulations VIII. and XII. of 1828.

I. Regulations VIII. and XII. of 1828 are hereby rescinded.

Criminal courts to be held by the zillah judges or session judges.

II. It is hereby enacted, that the Criminal Courts held by the zillah judges shall be held by them as session judges, and where, in the Regulations, functions and duties are provided for the *criminal* judges, the same shall be executed by the session judges as substituted for them.

The functions and jurisdiction of the session judges defined.

III. The functions and jurisdiction of the session judges shall be those of *criminal* judges and *Court of Circuit,* as the same are provided for in

See Sec. vii. Reg. VIII. 1831.

Regulation XIII. of 1827, and accordingly as is prescribed in the rules enacted in Regulation XXX. 1827, with the exception of that of exercising the functions of a special court.

See Act XXI. 1837.

IV. The session judges shall take the oath prescribed for the *criminal* judges, with the requisite alteration of designation.

Oath of the session judges.

V. The session judges shall hold half-yearly sessions at the detached stations where their assistants may be fixed, and the said sessions shall commence at periods that may be fixed by the Sudder Foujdary Adawlut.

The session judges to hold half-yearly sessions.

VI. The assistant *criminal* judges are in like manner to be denominated assistant session judges, with the functions and penal jurisdiction vested by Regulation XIII. of 1827, in the senior assistant *criminal* judges, and when at detached stations, as is prescribed in the concluding part of Section VI. of Regulation XXX. 1827, and Regulation XI. of 1828.

The functions and jurisdiction of the assistant session judges.

See Act XXI. 1837.

VII. The assistant session judges shall take the oath prescribed for the assistant *criminal* judges, with the requisite alteration of designation.

Oath of assistant session judges.

VIII. It being above enacted that the session judges shall exercise the functions of the *Courts of Circuit*, it is hereby declared that such parts of Regulation XIII. of 1827, as provide and require that the *Courts of Circuit* shall be held by the judges of the Sudder Foujdary Adawlut, are no longer exclusively applicable to those judges, but only as is enacted in the following sections.

Such parts of Regulation XIII. of 1827 as require that the *Courts of Circuit* shall be held by the judges of the Sudder Foujdary Adawlut no longer exclusively applicable to them.

Modified by Reg. VIII. 1833.

IX. *Two* judges of the Sudder Foujdary Adawlut in rotation, or specially appointed by Government, under the denomination of Visiting Commissioners of Circuit, shall make an annual circuit, *one to the Guzerat and the Concan, and the other to the Southern Mahratta country and the Dekkan.*

Two judges of the Sudder Foujdary Adawlut to make annual circuit as visiting commissioners of circuit.

X. These commissioners shall hold all [*state trials, and any other**] trials of a peculiar or aggravated nature, which, from any circumstance Government, on report from the local authority, may wish to be reserved for that purpose.

These commissioners to hold all state trials and other trials that may be desired by Government, from peculiar circumstances.

XI. All the powers of *Court of Circuit*, [*of the Special Court*,*] and all powers of control, of inquiry and general supervision, are vested in the visiting commissioners of circuit, over the judicial administration of the zillahs comprised in their tour.

The power of the visiting commissioners of circuit defined.

XII. At the conclusion of each tour, the visiting commissioners of circuit will make the report prescribed by Clause Fourth, Section XXIII. Regulation XIII. of 1827.

The visiting commissioners of circuit to make the report prescribed by Clause Fourth, Section xxiii. Regulation XIII. of 1827.

Superseded by Act V, 1841.

(BRANCH OF CRIMINAL JUDICATURE.)

Reg. IV. 1830.

A.D. 1830. REGULATION IV.

[SUPPLEMENT 2ND TO REGULATION XII. OF 1827.]

A REGULATION *rescinding such Parts of Regulation XII. of* 1827 *as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants:* PASSED *by the Honourable the Governor in Council of Bombay, on the* 27*th day of January,* 1830.

Preamble.

WHEREAS it has been judged expedient to rescind such parts of Regulation XII. of 1827 as vest the *criminal* judge with police jurisdiction, and to vest the magistrates with the police of the Sudder stations, and to extend the penal jurisdiction of the magistrate and his assistants;—the following rules have been therefore enacted, to have effect from the date of promulgation.

Rescinding such parts of Regulation XII. of 1827 as vest the *criminal* judge with the police jurisdiction, and placing the police of the Sudder station with the magistrate.

I. *First.* Such parts of Sections I. and II. of Regulation XII. of 1827, as vest the *criminal* judge with police jurisdiction, and Clause Fourth, Section II. Regulation XXXI. of 1827, are hereby rescinded, [*except as applicable to the city and Sudder station of Surat, the police of which is to remain as at present, under charge of the judge and his assistants*]; and it is enacted, that the police of the Sudder stations is vested in the collector, in common with his police jurisdiction throughout the rest of the zillah.

Rescinded by Act V. 1846.

Cognizance of acts in breach of official duty remains with the judge.

Second. The cognizance of acts in breach of official duty by his own officers remains, as is provided, with the judge and session judge.

Session judges in the place of *criminal* judges.

II. It being enacted by Regulation III. of 1830, that the *criminal* judges shall be vested with the authority and jurisdiction of session judges, and be so denominated, it is hereby declared that where, in Regulation XII. of 1827, or any other Regulation, the term *criminal* judge is used, session judge is to be considered to be in its place; and that as session judge, that officer has all the duties and functions of the *criminal* judge.

Penal jurisdiction of the magistrate and his assistants extended to one year's imprisonment, a revision of sentences of the assistants being provided to the magistrate.

III. In extension of the authority vested in the magistrate and his assistants by Clauses First and Second of Section XIII. Regulation XII. of 1827, it is hereby enacted, that the magistrate is authorized to adjudge sentences of fine and ordinary imprisonment, with hard labour, to one year; and his assistants in the same manner may pass sentences to similar extent; but all sentences above three months, passed by assistants, shall be first referred to the magistrate for confirmation: and it is further enacted, that all other sentences of his assistants are open to the revision of the magistrate, who may pass such final order on them (not enhancing

See Act XIV. 1835.

the punishment) as he may deem consistent with justice, and the provisions of the Regulations.

IV. Regulation I. A.D. 1829, being Supplement I. to Regulation XXX. A.D. 1827, together with such portion of this latter enactment as confers higher powers of penal jurisdiction to the magistrate and his assistants of the Dekkan, are hereby rescinded; and the same extent of penal jurisdiction as provided in the above section is vested in the magistrates and assistant magistrates of the Dekkan and Khandesh, as with the magistrates of the old provinces.

Rescission of Regulation I. A.D. 1829; the jurisdiction of the magistrates of the Dekkan, as is provided in the above section.

V. In modification of Section XLI. Clause First of Regulation XII. of 1827, it is hereby enacted, that district police officers are empowered to punish petty offences by fine not exceeding fifteen (15) rupees, and confinement not exceeding twenty days.

District police officers empowered to punish petty offences by fine and imprisonment.

(REVENUE BRANCH.)

A.D. 1830. REGULATION V.

Reg. V. 1830.

A REGULATION *providing for the Appointment of a Revenue Commissioner, to have Superintendence over the Revenue Administration of the Territories subordinate to Bombay; and for the Appointment in certain Zillahs, when thought expedient, of Principal Collectors, with Sub-collectors:* [1]PASSED *by the Honourable the Governor in Council of Bombay, on the 27th day of January,* 1830.

WHEREAS it appears desirable that the revenue administration of the territories subordinate to the presidency of Bombay should comprise a system of general superintendence and control; and whereas it will also be attended with advantage that there should be various grades of officers in that department, including those of the first description, whereby the zealous and prolonged services of officers of talent and experience in that important branch of the administration may be secured;—the following rules have therefore been enacted, to have effect from the date of promulgation.

Preamble.

I. *First.* * There shall be a revenue commissioner appointed for the zillahs subordinate to the Bombay Government, [*with the exception of the Southern Mahratta country, which for the present is placed under different management*].

Repealed by Sec. 1. Act XVII. 1842.

Appointment of a revenue commissioner over the zillahs subordinate to Bombay.

Second. The revenue commissioner shall, under such instructions as Government shall from time to time issue, have control over the whole

To have control over the revenue administration.

* By Act XVII. 1842, the Governor in Council was empowered to appoint one or more commissioners, with assistants, for the whole presidency of Bombay, and to determine their respective jurisdictions; and by Act XVIII. 1842, the powers of these officers, in the cognizance of criminal cases connected with the revenue, were declared.

revenue administration of the provinces, and over all the officers employed therein.

To reside at no fixed station.

Third. The revenue commissioner shall reside at no fixed station, but shall visit from time to time, as ordered by Government, or as particular occasion may call for, at the different districts and zillahs under the presidency.

He shall inquire into and redress grievances on the spot.

Fourth. The revenue commissioner shall inquire into and redress grievances on the spot, arising in the revenue administration, that have not already been made subject of judicial investigation.

To inquire into, pass orders, and report on all items of expenditure in the territorial department.

Fifth. It shall be the duty of the revenue commissioner to inquire into, pass orders, and report on all items of expenditure in the territorial department, and to extend a general superintendence over the whole revenue administration.

He shall have authority to issue orders to all revenue officers on all subjects except the adjudication of suits and police.

Acts done by revenue officers under the revenue commissioner's orders, if made subject of civil suit, shall be answered by the revenue officer.

Sixth. The revenue commissioner shall have authority to issue orders to all revenue officers in charge of zillahs throughout the districts under his control (and the same shall be obeyed by all such officers), on all subjects except the adjudication of civil suits, and the department of police. But if any act done by a revenue officer, under orders from the revenue commissioner, shall subsequently form the subject of a civil suit, such revenue officer shall still answer in such suit as defendant, in the same manner as if the act had been done by him on his own authority alone.

The appointment of principal collectors and sub-collectors.

II. *First.* In such zillahs as the Honourable the Governor in Council may deem expedient, he shall appoint a principal collector, and one or more sub-collectors.

The duties and powers of the principal collector defined.

Second. The duties and powers of the principal collector, whether as collector or magistrate, shall be the same, and he shall be bound by the same rules as are provided in the different Regulations for those officers respectively. See Reg. VIII. 1831.

The duties and functions of a sub-collector defined.

Third. The functions and duties of a sub-collector shall be those of a collector, and he shall be governed by the same rules in the districts placed under his charge, but subject, in the revenue administration, to the control and instructions of the principal collector.

Also as magistrate.

Fourth. As magistrate, the sub-collector is vested with the same powers and penal jurisdiction as is provided in the Regulations for the collector as magistrate.

Also in the decision of civil suits and appeals under Chapter VIII. Regulation XVII. of 1827.

Fifth. In the decision of suits under Chapter VIII. of Regulation XVII. of 1827, and in deciding appeals from komavisdars, or other similar officers, in suits referred to those officers, the sub-collector is vested with the same functions and jurisdiction as the collector; an appeal lying to the Sudder Dewanny Adawlut from the decision of the sub-collector, under the rules provided in Regulation VI. of 1830.

(REVENUE BRANCH.)

A.D. 1830. REGULATION VI.

Reg. VI. 1830.

[SUPPLEMENT 3RD TO REGULATION XVII. OF 1827.]

A REGULATION *authorizing the Collector to refer Suits cognizable by him under Chapter VIII. Regulation XVII. of* 1827, *to Komavisdars, and altering the Rules in respect of Appeals in such Suits:* PASSED *by the Honourable the Governor in Council of Bombay, on the 27th day of January,* 1830.

Preamble.

WHEREAS it has been deemed expedient to authorize the collector to refer suits instituted under Chapter VIII. of Regulation XVII. of 1827 to his komavisdars, or other equal and similar district officers, however designated, and to provide that appeals in the decisions of such suits shall be open to the collector, and from him direct to the Sudder Dewanny Adawlut;—the following rules have therefore been enacted, to have effect from the date of promulgation.

The collector and sub-collector authorized to refer suits instituted under Chapter VIII. of Regulation XVII. of 1827 to their komavisdars, when the matter at issue does not exceed Rs. 500.

I. In modification of the rules of Chapter VIII. Regulation XVII. of 1827, for the trial of certain civil suits by the collector, it is hereby enacted that the collector and sub-collectors are authorized to refer to the several komavisdars of their districts, or other equal and similar officer, suits instituted under the provision of the said chapter, when the value of the matter at issue does not exceed 500 rupees.

See Act XXI. 1837.

The oath of the komavisdars.

II. The komavisdars in charge of this duty shall take the same oaths as the *native commissioners*, and act, as far as may be suitable, under the same rules as are provided in the Regulations for the conduct of those officers.

Seal of the komavisdars.

III. Each komavisdar, or other similar officer, in the discharge of his judicial functions, shall use a circular seal, one inch in diameter, bearing the following inscription: "Komavisdar (or whatever else his designation may be) for the district of ———, in the zillah of ———."

Rescission of Clause First,* Section XXXIV. Regulation XVII. of 1827.

IV. Section XXXIV. of Regulation XVII. of 1827 is rescinded; and the following rules for appeals of suits tried by the collector and his officers are hereby enacted.

Appeals from the assistant-collector, komavisdar, or other similar officer, to lie to the collector and sub-collector.

V. *First.* An appeal from the decisions of assistant collectors, komavisdars, or other similar officer, shall be open to the collector or the sub-collector when within his district.

Second. An appeal from the decisions of the collector or sub-collector shall be open to the Sudder Dewanny Adawlut, when, if the decree of the

* Sic in orig.

assistant collector, komavisdar, or other similar officer, was confirmed, the sum adjudged, or at issue, amounted to or exceeded Rupees 1,000; or, if modified or reversed, the sum disallowed or at issue amounted to or exceeded Rupees 200.

Appeals now pending before the judges from the decision of collectors, to be transferred to the Sudder Dewanny Adawlut.

VI. Appeals from the collector, now pending before the zillah judges, shall be transferred to the Sudder Dewanny Adawlut, and be brought upon the file of that court, and decided upon according to their dates.

Special appeal to the Sudder Dewanny Adawlut open in all cases.

VII. A special appeal is open in all cases to the Sudder Dewanny Adawlut, under the rules provided in Chapter XXII. Regulation IV. of 1827 for the admission of special appeals. See Act III. 1843.

Reg. VII. 1830.

A.D. 1830. REGULATION VII.

A REGULATION *for bringing under the Operation of the Regulations the Territories comprised in the Southern Mahratta Country, belonging to the Honourable Company, and forming the said Territories into a Zillah:* PASSED *by the Governor in Council of Bombay, on the 17th of March,* 1830.

Preamble.

WHEREAS the administration of the territories of the Southern Mahratta country, acquired by conquest by the Honourable Company from the Paishwa, and by treaty and agreement from other states, has been hitherto conducted under the orders of the Honourable the Governor in Council, the Regulations being in force in the said territories as instructions to be acted upon, as far as circumstances, under the recent acquisition, might dictate, and as preparatory to the formal introduction of the Regulations as established laws; and whereas the said country and territories having now, by order of the Honourable the Court of Directors, been finally annexed to the presidency of Bombay, the Honourable the Governor in Council has judged it expedient to form the said territories into a zillah, to be denominated the zillah of Dharwar, and to introduce and establish therein the Regulations now in force under the presidency of Bombay, in the same manner, and upon the same principles, as in the territories of the Dekkan and Khandesh, under the provisions of Regulations XXIX. and XXX. of 1827; the following rules have therefore been enacted, to have effect from the 1st of June, 1830.

The territories of the Southern Mahratta country formed into a zillah.

I. The territories of the Southern Mahratta country, as described in Appendix (A.) to this Regulation, are hereby formed into a zillah, to be denominated the zillah of Dharwar.

Brought under the operation of the Regulations.

II. And it is hereby enacted that the said zillah is brought under the operation of the general Regulations now in force under the Bombay presidency, with the exceptions and according to the rules provided in Regulations XXIX. and XXX. of 1827, for the territories of the Dekkan

and Khandesh, as the same may not have been modified by any subsequent enactment, and with the exceptions of the following sections.

Exception.

III. It is hereby enacted, that for such period as may be deemed expedient by the Honourable the Governor in Council, the office of judge and session judge in the zillah of Dharwar shall be vested in the same person as is collector and magistrate.

Office of judge and session judge, and of collector and magistrate, vested, for the present, in one person.

IV. The assistant judge of Dharwar, whilst the offices of judge and collector are in the same person, is to have the jurisdiction and authority of a senior assistant judge at a detached station.

Jurisdiction of the assistant judge to be that of senior assistant judge detached.

V. There shall be a political agent in the Southern Mahratta country, on the part of Government, for the trial of suits against persons of rank; and in modification of the rules contained in Section III., and the following sections of Regulation XXIX. 1827, it is enacted, that suits against such persons, of whom a list shall be furnished by Government to the agent, shall be tried by him in the same manner and under the same rules as are enacted for the agent of sirdars' claims for the Dekkan.

There shall be a political agent, with power to try suits instituted against persons of rank, under certain modification of Section III. Regulation XXIX. 1827.

See Reg. XVI. 1831, & Sec. vi. Act XIII. 1842.

APPENDIX (A).

Appendix (A).

Territorial description of the zillah of the Carnatic or Southern Mahratta Country, under the presidency of Bombay, formed by conquests from the Paishwa (Proclamation of Occupation, 11th February, 1818), cession by the Rajah of Colapore (Definitive Treaty, 15th March, 1829), reversion of jageers on failure of direct heirs, resumption of a part of the Sanglee jageer in lieu of service, and the transfer of two taloaks from the Poona zillah (Order of Government, dated 19th November, 1829).

The thirty-two (32) pergunnahs Dharwar, Nowlgoond, Gudug, Bunkapoor, Siggâon, Hangul, Adoor, Misserreootah, Old Hoobly, New Hoobly, Eyurnee, Goottul, Kagenellee, Kode, Herckeroor, Chickkeroor, Cooppelroor, Tilwully, Khanapoor, Moorgode, Bagulkotah, Rollee, Beelgee, Badamee, Keroor, Moodkuvee, Hoongoond, Nundwargee, Indee, Taumba, Hipergu, and Jalwadkokutnoor.

Pergunnah Karduga (with the exception of the villages of Sawlgaon, Balihully, Jogeswere, Kondoor, Woginkeree, Indoor, Ursheneageree, and Honagoond, included in the Sonda province, under the Madras presidency; Yareeboodihall, belonging to Chintamun Row Sahib Sangleekur; Yellapoor, belonging to Madhew Row Sahib Meritchkur; and Savanoor, Holunhully, Chilloor, Tobada-Hoolikutty Gubboor, Munkutty, Jekinkutty, Toroor, Siddapoor, Yekkeekhope, Cubbanoor, Wuddinakope, Naikeroor, Tendoor, Munoor, Meerulkutty, Dommur-Muttoor, Moolkerry, Madapoor, Busavunkope, Chundapoor, Kulliwal, Nundihully, Honneekope, and Soorupakutty, belonging to the Nuwab of Savanoor).

Pergunnah Nirsungee (with the exception of the villages of Warulugee and Woneekerry, included in the Sonda province, under the Madras presidency).

Pergunnah Turus (with the exception of the villages of Balinhully and Kulkeree, included in the Sonda province, under the Madras presidency).

Pergunnah Pachapoor (with the exception of the villages of Bussapoor, Huggedahall, Urlekutty, Seroor, Shahbundur, Islampoor, and Ghootgoody, belonging to the Rajah of Colapore; Toommurgooddy and Hurunkolla, belonging to Chintamun Row Sahib Sangleekur; and Boodihall and Mulbemurdee, belonging to Rughoonath Row Sahib Koorundwarkur).

Appendix (A), *continued.*

Pergunnah Ranee Bednore (with the exception of the village of Mun-Milar, included in the Bellari district, under the Madras presidency).

Pergunnah Ruttehully (with the exception of the village of Ookudgutree, belonging to the Rajah of Mysore).

Pergunnah Mausoor (with the exception of the villages of Khuwaspoor and Gooludhully, belonging to the Rajah of Mysore).

Pergunnah Almella (with the exception of the villages of Haukoanhully and Moorganoor, belonging to the Soorpoor Rajah, Nizam's territories).

Pergunnah Burdole (with the exception of the village of Oomruz, belonging to Govind Row Sahib Putwurdun).

See Act VI. 1842.

Pergunnah Talicottah (with the exception of the villages of Bhuttnoor, Tuggurtuggee, Allapoor, Nagavee-Allapoor, Narainapoor, Holikeree, and Vudgerree, belonging to the Soorpoor Rajah, Nizam's territories).

Pergunnah Nalitwaur (with the exception of the villages of Mudlingud-hully, Kolegoodah, and Busapoor, belonging to the Soorpoor Rajah, Nizam's territories).

The six (6) turufs Carkope, Marudagee, Oogurgole, Morub, Medlary, and Vutnal.

The twenty-two (22) kurryats Ameenbhavee, Narendur, Devur-Hoobly, Tudkode, Eckoondee Bettigerah, Umbudgutty, Sumpgaon, Bagewadee, Kadurvully, Golehully, Nundgurh, Hulsegee, Kuckeree, Karlugee, Lokolee, Munolee, Muztee, Yellee-Munolee, Sudalgah, Sindogee, and Suttigerree.

Kurryat Nesurgee (with the exception of the village of Mudunbhavee, belonging to Siddojee Row Naik Nimbalkur, Sur-Lushkur, alias Nepanekur).

Kurryat Belwadee (with the exception of the village of Doddwar, belonging to Chintamun Row Sahib Sangleekur).

Kurryat Kubboor (with the exception of the village of Belakode, belonging to Siddojee Row Naik Nimbalkur, Sur-Lushkur, alias Nepanekur).

The five (5) summuts Tegoor, Kulkeree, Kulghutge, Bommeekutty, and Toombah.

The twelve (12) villages under the fort of Kullaniddeegurh.

Fort of Heree Gundhurvgurh and its dependencies.

Fort of Gudjendragurh and its dependencies.

The five (5) following villages of the pergunnah Nurgoond, viz.

1. Tadahal.	3. Auchmutty.	5. Revudekope.
2. Kurkeecutty.	4. Gooloogoondee.	

The thirteen (13) following villages of the pergunnah Govincopp, viz.

1. Benkuncopp.	6. Khanapoor.	10. Hurlapoor.
2. Urshingode.	7. Mudgoonkee.	11. Govuncopp.
3. Hunchinall.	8. Gobburgoompee.	12. Mullapoor.
4. Hudgulee.	9. Bettud Koosogul.	13. Javoor.
5. Coorulgery.		

The four (4) following villages of the pergunnah Azumnugur, viz.

1. Kusba Belgaon.	3. Sindolee.
2. Hindulghee.	4. Munnoor.

The eight (8) following villages of the pergunnah Shapoor, viz.

1. Koodchee.	4. Dhamnee.	7. Moduga.
2. Kunabergee.	5. Moochundee.	8. Chundgurn.
3. Chundunhosoor.	6. Yulebile.	

The village Chickwudavully, of the pergunnah Sirhutty.

The seven (7) following villages of the pergunnah Lutchmesswer, viz.

1. Sunkleepoor.	4. Humigee.	6. Mullikarzunpoor.
2. Budnee.	5. Goommagole.	7. Chakinkeree.
3. Vittulapoor.		

The village of Boodihal, of the pergunnah Coondgole.

The village of Algoondee, of the pergunnah Machuoknoor.

Appendix (A). *continued.*

The seven (7) following villages of the pergunnah Ooklee, viz.

1. Kusba Ooklee.
2. Mungolee.
3. Coomutgee.
4. Bissulhall.
5. Nundeehall.
6. Yembutnahall.
7. Hutturkeehall.

The four (4) following villages of the pergunnah Hortee, viz.

1. Rajunhal.
2. Minchunhal.
3. Teelihal.
4. Kyatunkerry.

The six (6) following villages of the pergunnah Honwar, viz.

1. *Jaleehal.**
2. Ramteerut.
3. Yeteenhal.
4. Arahullee.
5. Culkowteghee.
6. Ghonusghee.

The three (3) following villages of the pergunnah Bagewadee, viz.

1. Kusba Bagewadee.
2. Musbinahall.
3. Yernal.

The nine (9) following villages of the pergunnah Alnee, viz.

1. Arulhuttee.
2. Ubeehal.
3. Tungurree.
4. Mungsoola.
5. Bulgheree.
6. Sumbargar.
7. Bomunhal.
8. Mudhabhavee.
9. Partumhullee.

The village of Bhuhtgoonkee, of the pergunnah Hulsinghee.

The village of Awurkore, of the pergunnah Gurrikokutnoor.

The village Pursulghee, of the pergunnah Badurree.

The two (2) following villages of the pergunnah Ghote, viz.

1. Soorpah.
2. *Teengnee Beedree.**

The two (2) following villages of the pergunnah Moolwad, viz.

1. *Honganhullee.*
2. *Karjol.*

The seven (7) following villages of the pergunnah Chimulghee, viz.

1. Bisalkop.
2. Muzurekop.
3. Mookarteehall.
4. Golsinghee.
5. Ghunee.
6. Siklewaree.
7. Marudghee.

The village of Bhaganugur, of the pergunnah Siddanath.

The three (3) following villages of the pergunnah Mohumudapoor, viz.

1. Jynapoor.
2. Boodenee.
3. *Oopuldinnee.**

The two (2) following villages of the pergunnah Terdhall, viz.

1. Suputa Saugur.
2. Khemlapoor.

The three (3) following villages of the pergunnah Mungulwehda, viz.

1. Kuvatholy.
2. Donuz.
3. Umbeh.

The village Konnoor, in the pergunnah Jumkhundy.

The four (4) following villages of the pergunnah Vittul Vishram, viz.

1. Rajgotee.
2. Coondanoor.
3. Sooppeh.
4. Toorkewadee.

The six (6) following villages of the pergunnah Moolgoond, viz.

1. Bundawar.
2. Cunavee.
3. Hossoor.
4. Bussapoor.
5. Sittaulhurree.
6. Serooz.

The four (4) following villages of the turuf Konnoor, viz.

1. Heerecopp.
2. Humpiholee.
3. Hagnoor.
4. Belleree.

* Those villages of which the names are printed in Italics in this Appendix, having been transferred by exchange to the Sattara state, were excepted from the operation of the Regulations by Act VI. 1842.

Appendix (A), *continued.*

The four (4) following villages of the turuf Sanklee, viz.

1. Kelilch.
2. Mendilch.
3. Holludeh.
4. Tanalee.

The three (3) following villages of the turuf Munnery, viz.

1. Mirvale.
2. Morule.
3. Wadee.

The two (2) following villages of the turuf Hurlapoor, viz.

1. Nursapoor.
2. Vobulapoor.

The village Rokudkutty of the turuf Bunnoor.

The three (3) following villages of the Kuryat Usoondee, viz.

1. Usoondee.
2. Kurekutty.
3. Koorwuncopp.

The fourteen (14) following villages of the Kuryat Hoolee, viz.

1. Kusba Hoolee.
2. Cuplee.
3. Munikutty.
4. Belwunkee.
5. Kouzagerry.
6. Rottigawad.
7. Udanoor.
8. Dadericopp.
9. Bingudakutty.
10. Konkancoozhutty.
11. Tooppudacoorhutty.
12. Yamgull.
13. Hooleekutty.
14. Sortoor.

The three (3) following villages of the Kuryat Ingulhully, viz.

1. Nulwudee.
2. Moollahully.
3. Sirgooppee.

The two (2) following villages of the kuryat Hebbly, viz.

1. Kusba Hebbly.
2. Sevully.

The three (3) following villages of the Kuryat Udgul, viz.

1. Nippunhall.
2. Uluknoor.
3. Beerunhall.

The twenty (20) following villages of the Kuryat Sholapoor, viz.

1. Kusba Sholapoor.
2. Naganoor.
3. Goodeecooppee.
4. Hurgapoor.
5. Kuruzgee.
6. Shendoor O'Rasing Boozoorg.
7. Shenkinhosoor.
8. Honnolee.
9. Konunkeree Pimpulgaon.
10. Kunagulla.
11. Hittnee.
12. Rasingkhoord.
13. Hudulageh.
14. Bhuhirapoor.
15. Sunkesswere.
16. Tuwdee.
17. Booktialoor.
18. Unklay.
19. Bakunhal.
20. Baur.

The nine (9) following villages of the Kuryat Saongaon, viz.

1. Benodee.
2. Huddanal.
3. Muttiwad.
4. Ronganolee.
5. Soolgaon.
6. Bhatnagnoor.
7. Audee.
8. Suwadulga.
9. Hunchinhall.

The eighteen (18) following villages of the Kuryat Laut, viz.

1. Chinchanee.
2. Jettrat.
3. Nahingalez.
4. Hoonurgee.
5. Siddunhal.
6. Yernal.
7. Pudlehal.
8. Lukhnapoor.
9. Guhwan.
10. Boodihall.
11. Kodanee.
12. Coorlee.
13. Uckole.
14. Muhumudapoor.
15. Booddulmookh.
16. Roomtolee.
17. Pangureh.
18. Girgaon.

The seven (7) seven following villages of the Kuryat Naiz, viz.

1. Mowza Chickoree.
2. Pett Chickoree.
3. Gulutgah.
4. Kothely.
5. Ummangee.
6. Naiz.
7. Koonnoor.

The thirteen (13) following villages of the Kuryat Nesuree, viz.

1. Pett Duddee.
2. Auludhal.
3. Uttohal.
4. Ramewadee.
5. Bedurewadee.
6. Moduga.
7. Naganoor.
8. Khuvunewadee.
9. Shettihully.
10. Beelkee.
11. Sulamwadee.
12. Kote.
13. Dhondgutty.

The village Baganee of the Kuryat Doodgaon.

Appendix (A), *continued.*

The three (3) following villages of the turuf Havelee Beejapoor, viz.

1. Ookmunhal. | 2. Kowlga. | 3. Ahleabad.

The twenty-six (26) following villages of the Tuppeh Changurh, viz.

1. Kusba Chandgurh.
2. Kodolee.
3. Bagulga Dookurwadee.
4. Sipoor.
5. Savurda.
6. Goolwuda.
7. Vagothurr.
8. Manugaon.
9. Kolendra.
10. Adoor.
11. Naundurida.
12. Ussgaon.
13. Soolye.
14. Humbera.
15. Khamdul.
16. Paurla.
17. Kokura
18. Eesapoor.
19. Konewadee.
20. Oomgaon.
21. Navga.
22. Pilnee.
23. Jambera.
24. Nuhurelee.
25. Bhogolee.
26. Kolendra.

The four (4) following villages of the Prant Raibaug, viz.

1. Uckewat. | 2. Nauguz. | 3. Inglee. | 4. Unkalee.

The twenty-eight (28) following villages of the Prant Miritch, viz.

1. Huttanoor	Kuryat Tauzgaon.	
2. Coodchee	Do.	Mysal.
3. Chundoor		
4. Qusba Issapoor		
5. Chickul Gothun	Do.	Issapoor.
6. Nunbulkeh		
7. Bedug	Do.	Beduga.
8. Goondewadee		
9. Gourwad		
10. Aoorwad	Do.	Sirhutty.
11. Tauklee		
12. Brumhanal		
13. Pudamaul	Do.	Sanglee.
14. Toong	Do.	Deguruz.
15. Hingungaon	Do.	Kaotah Mahunkaul.
16. Dhamnee	Do.	Havelee.
17. Vasumba	Do.	Kaotah.
18. Zurundee	Do.	Anjunee.
19. Kowluga	Do.	Sawurde.
20. Curolee	Do.	Desing.
21. Shipoor	Do.	Ainapoor.
22. Bekeeree		
23. Rajapoor		
24. Nundeekoorlee		
25. Keroor	Do.	Joogul.
26. Yedoor		
27. Kullholey		
28. Shahapoor		

The two (2) following villages of the Prant Kagul, viz.

1. Mauzurree. 2. *Allasundeh.**

The thirty-eight (38) following villages, not belonging to any particular pergunnah or other territorial division, viz.

1. Sowndutty.
2. Kotewada.
3. Halkposoogal.
4. Culkeree.
5. Mulligwad.
6. Moogulkhan Hoobly.
7. Umrapoor.
8. Veerapoor.
9. Hundoor.
10. Tulwarcopp.
11. Marguncopp.
12. Kusmulgee.
13. Umbegapoor.
14. Beclamurree.
15. Hoolginhal.
16. Kearcopp.
17. Guzputty.
18. Gadeekopp.
19. Huttiholee Khoord.
20. Alaguncopp.
21. Bogoor.
22. Dausticopp.
23. Hootikottul.
24. Budus.
25. Coockadolly.
26. Jeeknoor.
27. Devur Sigehully.
28. Ettagee.
29. Gundhigwad.
30. Toligee.
31. Qusba Hoockeree.
32. Pett Hoockeree.
33. Choolakee.
34. Goruvbal.
35. Kuggudhal.
36. Gorwunkolla.
37. Bussedonee.
38. Sindugee.

* See note, page 361.

(REVENUE BRANCH.)

Reg. VIII. 1830.

A.D. 1830. REGULATION VIII.

[SUPPLEMENT 2ND TO REGULATION XVIII. A.D. 1827.]

A REGULATION *for changing the Counter-stamp to be impressed on Stamped Paper and other Material:* PASSED *by the Governor in Council of Bombay, on the* 17*th day of March,* 1830.

Preamble.

WHEREAS it has been determined that the counter-stamp provided in Clause Second, Section VII. Regulation XVIII., shall be made at the Mint, instead of the General Treasury, which requiring an alteration in the wording of the said clause, which requires a corresponding modification in the Regulations;—the following rule has therefore been enacted, to have effect from the date of promulgation.

Paper or other material to be counter-stamped at the Mint

All paper and other material issued under Regulation XVIII. of 1827, shall be counter-stamped at the Mint, in place of the General Treasury; and, in substitution of the words "General Treasury, 18—," in Clause Second, Section VII. of the said Regulation, the inscription shall be "Mint, 18—."

(REVENUE BRANCH.)

Reg. IX. 1830.

A.D. 1830. REGULATION IX.

A REGULATION *for establishing and levying a Toll on the Road up the Bhore Ghaut:* PASSED *by the Governor in Council of Bombay, on the* 17*th of March,* 1830.

[Rescinded by Section I. Act II. 1837.]

A.D. 1830. REGULATION X.

Reg X. 1830

[SUPPLEMENT 3RD TO REGULATION XXIX. A.D. 1827.]

A REGULATION *for bringing under the Operation of the Regulations certain Villages in the Collectorship of Khandesh:* PASSED *by the Governor in Council at Bombay, on the 17th day of March,* 1830.

WHEREAS certain villages have been omitted in the territorial description appended to Regulation XXIX. A.D. 1827;—the following rules have been enacted, to have effect from the date of promulgation.

Preamble

1. The Regulations at present in force throughout the rest of the collectorship of Khandesh shall have effect in and over the following villages:

The Regulations now in force throughout the zillah declared applicable to the following villages.

The thirteen (13) following villages of the Kunner pergunnah :—

1. Chicklethan.	6. Solegaum.	10. Khuwitkehra.
2. Hutnoor.	7. Baboolkhera.	11. Ansul.
3. Bansendry.	8. Jowoolkee.	12. Bahagaum.
4. Wuddaly.	9. Garagaum.	13. Bhokungaum.
5. Bhokurgaum.		

The three (3) following detached villages from the pergunnah of Edulabad :—

1. Witwa.	2. Melsanguy.	3. Managaum.

The village of Unterkhera detached from the pergunnah of Jynabad.

II. All acts hitherto done in the exercise of any judicial authority in and over the aforesaid 17 villages are hereby made and declared to be legal.

Acts hitherto done in the exercise of judicial authority declared legal

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(MISCELLANEOUS BRANCH.)

A.D. 1830. REGULATION XI.

Reg. XI 1830.

A REGULATION *for suppressing private Dawks, and declaring them illegal within the Territories subordinate to the Presidency of Bombay:* PASSED *by the Governor in Council, on the 7th day of March,* 1830.

[Repealed by Section I. Act XVII. 1837.]

(BRANCH OF CIVIL JUDICATURE.)

Reg. XII 1830.

A.D. 1830. REGULATION XII.

[SUPPLEMENT 2ND OF REGULATION IV. A.D. 1827.]

A REGULATION *for modifying the Rule provided in Clause First, Section III. of Regulation IV. of* 1827, *for valuing Land in Civil Actions:* PASSED *by the Governor in Council at Bombay, on the* 17*th of March*, 1830.

Preamble.

WHEREAS it has been judged expedient to modify the provision of Clause First, Section III. Regulation IV. of 1827, in valuing land paying revenue to Government, and free land in civil actions;—the following rules have been enacted, to have effect from the date of promulgation.

Revenue land valued at the amount of the annual assessment.

I. *First.* So much of Clause First, Section III. of Regulation IV. A.D. 1827, as provides for the valuation of property at the rate of 10 years' purchase, is hereby modified in respect to land paying revenue to Government, which in plaints of civil actions shall be valued at the amount of the annual assessment.

Enam and other free lands at ten times the net income of one year.

Second. Enam, and every other kind of rent-free lands, shall be estimated at ten times the net income of one year.

Reg. XIII. 1830

A.D. 1830. REGULATION XIII.*

A REGULATION *for vesting certain Jagheerdars, Surinjameedars, and Enamdars, with the Power of deciding Suits within the Boundaries of their respective estates:* PASSED *by the Governor in Council at Bombay, on the* 31*st March*, 1830.

Preamble

WHEREAS, in accordance with former custom, and in many instances agreeably to original tenure, jagheerdars, surinjameedars, and enamdars have been permitted to exercise civil jurisdiction within their possessions; and whereas it has been considered expedient to continue, by specific enactments, to such persons the power of filing, trying, and deciding original suits;—the following rules have been enacted, to have effect from the date of promulgation.

The jagheerdars, surinjameedars, and enamdars, enumerated

I. *First.* It shall be competent for the Governor in Council to grant sunnuds to persons of the description stated in the above preamble, whose

* Extended to agents of foreign sovereigns and others by Act XV. 1840

names and possessions are enumerated in a list furnished by Government, conferring on them authority to try and determine all original suits, of whatever amount, that may be either filed in their courts, or may be referred to them by the agent or judge.

in a list to be furnished by Government, may be allowed sunnuds, conferring on them authority to try all original suits.

Second. The sunnuds shall define the territory or jagheer over which the jagheerdars' jurisdiction extends, and be drawn out according to the form marked (A) in the Appendix.

The sunnuds shall define the territory over which their jurisdiction extends.

Third. Such sunnuds shall only be granted for life; and without such sunnud no jagheerdar, surinjameedar, or enamdar shall be considered as having the authority to hear and decide civil actions, unless on arbitration, or by consent of the parties.

Such sunnuds shall be granted only for life.

Fourth. In granting sunnuds, the Government reserves to itself the right of withholding, and, if issued, of afterwards withdrawing them, if from any cause such course should be deemed necessary in particular cases.

Government may withhold, or, if issued, withdraw them.

II. *First.* All persons residing within the jurisdiction of a jagheerdar must bring their civil disputes for adjudication before him, unless where the parties mutually agree to the contrary; or where one or the other is an European or American, or where one being the relation or dependent of the jagheerdar, the other objects on that ground.

All persons within such jurisdiction to bring their civil disputes before them, unless where the parties mutually agree to the contrary, or where one or the other is an European or American, or where one being a relation or dependent of the jagheerdar, the other objects on that ground.

Second. Suits thus excepted shall be sent up to the agent or judge, who will dispose of them, either by trying them, or by referring them for trial to the [*deputy*] agent or assistant judge, as the case may be.

Suits thus excepted shall be sent up to the agent or judge for disposal.

Abolished.—See Reg. I. 1834.

Third. The jagheerdar shall pass a written decree recording the proceedings held, and his judgment on every action or suit tried before him.

The jagheerdars shall pass a written decree, recording their proceedings and judgment on every suit tried before them.

III. *First.* Decisions passed by the jagheerdars, enumerated in the list furnished by Government, shall, in conformity with their right and authority by tenure, be final.

The decisions of the jagheerdars enumerated in the list furnished by Government shall be final;

Second. The decisions of all other jagheerdars shall be open to appeal, according to the rules regarding appeal, if in the first and second class of sirdars of the list provided for by Clause Second, Section III. Regulation XXIX. of 1827, to the agent for the adjustment of sirdars' claims; if of the third class of the said list, to the judge.

of all other jagheerdars shall be open to appeal, according to the Regulations regarding sirdars of the 1st, 2d, and 3d classes.

Third. Decisions by these authorities in these appeals shall be open to the Sudder Dewanny Adawlut, when, if the original judgment is confirmed, the amount adjudged or at issue is rupees (1,000) one thousand; if modified or reversed, the amount at issue is rupees (200) two hundred.

Decisions by these authorities on these appeals shall, in certain cases, be open to the Sudder Adawlut.

Fourth. Decrees by a jagheerdar shall not be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

Decision by a jagheerdar shall not be liable to be set aside for want of form.

IV. Jagheerdars shall have authority to execute their own decrees, and application for execution of decrees refused by the jagheerdar may be received by the agent or judge, and such order be passed thereon as justice and the Regulations may require.

Jagheerdars shall have authority to execute their own decrees, and applications for execution of decrees refused by the jagheerdars may be disposed of by the agent or judge, as the Regulations prescribe.

Special appeals open in all cases to the Sudder Adawlut.

V. A special appeal is open in all cases to the Sudder Dewanny Adawlut, under the rules provided in Chapter XXII. Regulation IV. of 1827, for the admission of special appeals. Substitute Act III. 1843.

APPENDIX (A).

(See Section I. Clause Second.)

Appendix (A).

Form of Sunnud to be granted to a Jagheerdar, Surinjameedar, or Enamdar, for deciding Suits.

Seal.

The Honourable the Governor in Council, by virtue of the powers vested in him by Regulation XIII. of 1830, is pleased hereby to confer on you jagheerdar (or as the case may be) power to receive, try, and decide all such original suits as may be preferred to you for moveable or immoveable property, of whatever amount, or referred to you by the agent or judge, whereof both parties, or the defendant or defendants in such suits, shall be resident within the boundary of your jagheer, &c. as hereafter defined; provided such parties shall not mutually agree to the contrary; or one or other of them shall not be an European or American; or, being your own relation or dependent, the adverse party shall not object on that account.

The boundaries of your jagheer, over which your jurisdiction, as above set forth, extends, are hereby defined to be

The within-delegated power is vested in you during the pleasure and subject to the recall of the Honourable the Governor in Council.

Reg. XIV. 1830.

A.D. 1830. REGULATION XIV.

A REGULATION *for bringing under the Operation of the Regulations such Portion of the Bombay Territory on the Mahabuleshwur Hills as has been ceded to the Honourable Company by his Highness the Rajah of Sattara:* PASSED *by the Governor in Council of Bombay, on the 31st of March,* 1830.

Preamble.

WHEREAS by articles of agreement between the Honourable Company on the one part, and his Highness the Rajah of Sattara on the other, dated the 16th of May, 1829, cession, in full and perpetual sovereignty, has been made by his highness of a certain tract of country on the Mahabuleshwur Hills, inclusive of the village of Paur, in the district of Jaolee, in exchange for the Honourable Company's village of Kundala, in the district of Waee, in like manner made over to the Sattara state; and it being expedient to bring the territory, so ceded to the Honourable Company, under the Regulations;—the following rules are therefore enacted, to have effect from the date of promulgation.

I. It is hereby enacted, that the general Regulations in force throughout the Bombay territories shall have effect in and over the said tract of country, comprising certain lands on the Mahabuleshwur Hills, the village of Paur (with the exception of the fort of Purtabghur and its established lands), and such part of the road, with a space of 200 English yards on each side thereof, leading from the boundary of the aforesaid cession to the top of the Paur Ghaut as may not be within the limits of the aforesaid village of Paur, the extent, measurement, and bearings of which are particularized in the map and schedule annexed to the aforesaid treaty.

The portion of the territory in the Mahabuleshwur Hills ceded to the Honourable Company by his highness the Rajah of Sattara, inclusive of the village of Paur, brought under the operation of the Regulations.

II. And be it further declared, that the aforesaid territory is hereby annexed to the zillah of the Conkan.

And annexed to the zillah of the Conkan.

A.D. 1830. REGULATION XV.

Reg. XV. 1830.

A REGULATION *for rescinding and re-enacting, with Modifications, the Provisions contained in Regulation VI.* 1818, *for regulating the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies:* PASSED *by the Governor in Council of Bombay, on the* 31*st of March,* 1830.

I. THE Honourable Court of Directors of the United Company of Merchants of England trading to the East Indies, having been pleased, by virtue of the powers vested in them by an Act of the British Legislature, to rescind the rules passed by the said Court, on the 31st December, 1817, and published and promulgated at this presidency in Regulation VI. 1818, and to enact other rules to be in force in lieu thereof, the same have been framed into a Regulation as hereunder contained, and have been passed by the Governor in Council, to take effect and be in force from the date of promulgation.

Preamble.

II. Regulation VI. 1818,* is hereby rescinded, and the following Regulation passed by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, shall take effect and be in full force in lieu thereof, within the territories subject to the presidency of Bombay.

Regulation VI. 1818, rescinded, and the following Regulation enacted in lieu of it.

A REGULATION *for rescinding the existing Regulation of* 31*st of December,* 1817, *relating to the Conduct of the Trade between the British Possessions in India, and the Countries and States in amity with his Majesty, and for making other Provisions in lieu thereof.*

WHEREAS by a Regulation passed by the Court of Directors of the United Company of Merchants of England trading to the East Indies, on

Preamble.

* This Regulation was excepted by Sec. i. Reg. XX. 1827, from the general rescission in Sec. i. Reg. I. 1827.

the 31st of December, 1817, intituled "A Regulation for carrying on "the Trade between the British possessions in India and the Countries and "States in amity with his Majesty;" reciting that, "by an Act passed in "the 37th year of the reign of his late Majesty King George the Third, "intituled 'An Act for regulating the Trade to be carried on with the "'British Possessions in India by the Ships of Nations in amity with his "'Majesty,' it was enacted, that from and after the passing of that Act, "and during the continuance of the exclusive trade of the United Company "of Merchants of England trading to the East Indies, and during the term "for which the possession of the British territories in India is secured to "the said United Company, it should be lawful for the ships and vessels of "countries and states in amity with his Majesty to import into and export "from the British possessions in India such goods and commodities as they "should be permitted to import into and export from the said possessions "by the Directors of the said Company, who were thereby directed to frame "such Regulations for carrying on the trade to and from the said posses-"sions, and the countries and states in amity with his Majesty, as should "seem to them most conducive to the interest and prosperity of the said "British possessions in India, and of the British empire; and that no ship "or vessel belonging to any of the subjects of states or countries in amity "with his Majesty should be liable to seizure, confiscation, or forfeiture, or "other penalty, for exporting *from*, or *importing into*, the said British pos-"sessions in India any goods or commodities, the importation or exporta-"tion of which should respectively be permitted by the said Regulations, "anything in a certain Act of the twelfth year of the reign of King Charles "the Second, therein recited, to the contrary notwithstanding: provided "always, that it should not be lawful for the Directors of the said United "Company to frame any Regulations for the conduct of the said trade "which should be inconsistent with any treaty or treaties which should "have been or might be entered into by his Majesty, his heirs and succes-"sors, and any country or state at amity with his Majesty, or which might "be inconsistent with any Act or Acts of Parliament which had been "passed for the regulation of the trade and commerce of the said British "territories in India;" and reciting that "by another Act passed in the "fifty-third year of the reign of his said late Majesty, intituled 'An Act for "'continuing in the East India Company, for a further Term, the Possession "'of the British Territories in India, together with certain exclusive Privi-"'leges; for establishing further Regulations for the Government of the said "'Territories, and the better Administration of Justice within the same; and "'for regulating the Trade to and from the Places within the Limits of the "'said Company's Charter,' all the enactments, provisions, matters, and "things contained in any Act or Acts whatsoever, which were limited, or "might be construed to be limited, to continue for and during the term "granted to the said Company by a certain Act of Parliament of Great "Britain, of the thirty-third year of his said late Majesty, therein recited, "so far as the same or any of them were in force, and not repealed by or "repugnant to the said Act of the fifty-third year of his said late Majesty, "should continue and be in force during the further term thereby granted "to the said Company, subject to such alterations therein as might be made "by any of the enactments, provisions, matters, and things in that Act "contained,"—certain rules were framed for carrying on the trade to and

Sec 3 & 4 Wm. 4, cap. 85, sec. 2.

from the British possessions in India and the countries and states in amity with his Majesty; and whereas it has been deemed expedient that the distinction made by the last-mentioned Regulation between foreign European ships belonging to nations having settlements in the East Indies, and foreign European ships belonging to countries having no such settlements, should be removed, and that the provisions thereby made for the trade of foreign European ships belonging to nations having settlements of their own in the East Indies, should be extended to foreign European ships belonging to nations having no settlements in the East Indies, and also to ships belonging to the empire of Brazil; the Court of Directors of the said United Company, in virtue of the powers granted to them by the Acts hereinbefore mentioned or referred to, have rescinded the said Regulation of the 31st of December, 1817, and in lieu thereof have framed the following Regulation.

Foreign European ships may freely enter the British seaports and harbours in the East Indies.

1. "Foreign European ships belonging to any state or country, whether having a settlement of its own in the East Indies or not, and ships belonging to the empire of Brazil, so long as such states, countries, and empire respectively remain in amity with his Majesty, may freely enter the British seaports and harbours in the East Indies, whether they come directly from their own country, or from any of the ports and places in the East Indies; they shall be hospitably received, and shall have liberty to trade there in imports and exports, conformably to the Regulations established in such places; provided that it shall not be lawful for the said ships, in time of war between the British Government and any state or power whatever, to export from the said British territories, without the special permission of the British Government, any military or naval stores, saltpetre, or grain. The said ships may also be cleared out for any port or place in the East Indies; but if cleared out for Europe, or for any port in the empire of Brazil, they shall be cleared out direct for the country to which such ships respectively belong."

Proviso with regard to certain articles of export in time of war.

See Act XVIII. 1841.

The trade with America, how to be regulated.

2. "The trade between the British possessions in India and the United States of America shall continue to be regulated by the convention of commerce between Great Britain and the United States of America, signed at London, the 3rd July, 1815."

The present rules not to affect the existing Regulations for defining the duties on foreign trade.

See Act VI. 1848.

3. "Nothing in this Regulation shall be construed to affect the provisions contained in the existing Regulations for defining the duties to which the trade of foreign nations is and shall be subject at the ports and settlements of the British nation in the East Indies."

(BRANCH OF CRIMINAL JUDICATURE.)

Reg. XVI. 1830.

A.D. 1830. REGULATION XVI.

(SUPPLEMENT 3RD TO REGULATION XIV. OF 1827.)

A REGULATION *to rescind that part of Clause Second, Section XXVI. Regulation XIV. of* 1827, *which exempts Persons assisting at Rites of Self-immolation from the Penalty of Murder; and declaring the Punishments to which Persons shall be liable who may assist or use Force or Violence in the Commission of such Acts:* PASSED *by the Honourable the Governor in Council of Bombay, on the 29th of May,* 1830.

Preamble.

WHEREAS it has been judged expedient to rescind that part of Clause Second, Section XXVI. Regulation XIV. of 1827, which exempts persons assisting at rites of self-immolation from the penalty of murder, and at the same time to provide for the punishment of all persons assisting therein, agreeably to the extent in which they may be involved; the following rules have accordingly been enacted by the Honourable the Governor in Council of Bombay, to be in force from the date of promulgation within the territories subordinate to the presidency of Bombay.

Part of Clause Second, Section XXVI. Regulation XIV. of 1827, rescinded.

I. That part of Clause Second, Section XXVI. Regulation XIV. of 1827, which exempts persons assisting at any rites of self-immolation from the penalties of murder is hereby rescinded.

Punishment assigned for assisting in rites of self-immolation declared to be that prescribed for culpable homicide.

If such assistance should be attended with force or violence, the punishment is declared to be that prescribed for murder.

II. *First.* Any person henceforth assisting at any rites of self-immolation shall be held to be guilty of culpable homicide, and punishable in the manner prescribed for that crime in Section XXVII. Regulation XIV. of 1827.

Second. Any person assisting at any rites of self-immolation, who may use force or violence in the commission of the act, shall, as heretofore, be held to have committed or aided in the commission of murder, and liable to be punished in the manner assigned for that crime, as provided for in Clause Fourth, Section XXVI. Regulation XIV. of 1827.

A.D. 1830. REGULATION XVII.

Reg XVII 1830

A REGULATION *for abolishing certain Town Duties at Surat, and imposing, in lieu thereof, Duties upon Silk, Rice, Betel-nut, and Pepper:* PASSED *by the Governor in Council of Bombay, on the 15th of September,* 1830.

[Rescinded by Act XIX. 1844.]

(BRANCH OF CIVIL JUDICATURE.)

A.D. 1830. REGULATION XVIII.

Reg XVIII 1830

(SUPPLEMENT 4TH TO REGULATION XXIX A.D. 1827.)

A REGULATION *providing for the Appointment of a Joint Judge within the Zillah of Poona:* PASSED *by the Governor in Council of Bombay, on the 3rd of November,* 1830.

WHEREAS it has appeared advisable to appoint an officer for the purpose of affording temporary aid in the administration of civil justice within the zillah of Poona, the following rules have therefore been enacted, to be in force from the date of promulgation. Preamble

See Act XXIX 1845

I. *First.* A joint judge shall be appointed, who shall be vested with co-extensive powers, and a concurrent jurisdiction with the judge of the zillah, except that he shall not keep a file of civil suits, but shall transact such civil business only as he may receive from the judge of Poona. A joint judge appointed

Second. The rules and Regulations at present in force, or which may hereafter be enacted for the guidance of the judge, shall be equally applicable to the joint judge. To be guided by the rules and Regulations in force for the judge

See Act XXI. 1837

II. Previous to exercising the functions of his office, the joint judge shall take the oath prescribed for the judge, with the requisite alteration of designation. Oath.

III. The seal of the joint judge shall be the same as is used by the judge of the zillah. Seal

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(BRANCH OF CRIMINAL JUDICATURE.)

Reg. XIX. 1830.

A.D. 1830. REGULATION XIX.

(SUPPLEMENT 2ND TO REGULATION XXX. A.D. 1827.)

A REGULATION *providing for the Appointment of a Joint Session-judge within the Zillah of Poona:* PASSED *by the Governor in Council of Bombay, on the 3rd November,* 1830.

Preamble.

WHEREAS it has appeared advisable to appoint an officer for the purpose of affording temporary aid in the administration of criminal justice within the zillah of Poona; the following rules have therefore been enacted, to be in force from the date of promulgation.

A joint session-judge appointed.

I. *First.* A joint session-judge shall be appointed, who shall be vested with co-extensive powers, and a concurrent jurisdiction with the session-judge of the zillah, except that he shall not receive original complaints, but shall transact such criminal business only as he may receive from the session-judge of Poona. See Act XXIX. 1845.

To be guided by the rules and regulations in force for the session-judge.

Second. The rules and Regulations at present in force, or which may hereafter be enacted for the guidance of the session-judge, shall be equally applicable to the joint session-judge.

Oath.

II. Previous to exercising the functions of his office, the joint session-judge shall take the oath prescribed for the session-judge, with the requisite alteration of designation. See Act XXI. 1837.

Seal.

III. The seal of the joint session-judge shall be the same as is used by the session-judge of the zillah.

(REVENUE BRANCH.)

A.D. 1830. REGULATION XX.*

Reg. XX. 1830.

(SUPPLEMENT 3RD TO REGULATION XXI. OF 1827.)

A REGULATION *for relaxing the Restrictive System in regard to the Sale and Purchase of Malwa Opium, and allowing Importation by Direct Route, under Passes, to be granted for a Consideration:* PASSED *by the Governor in Council of Bombay, on the* 17*th of November*, 1830.

Preamble.

WHEREAS the altered condition of British relations with Central India has led to a resolution to relax the restrictive system which obtained in regard to the sale and purchase of opium made without the limits of the presidency of Fort William, or territories immediately dependent thereon; and as it is expedient to secure under these circumstances a portion of the revenue formerly derived from the opium monopoly, the Honourable the Governor in Council has determined, with the sanction of the Supreme Government of India, to admit of the direct passage and importation into Bombay of Malwa opium for exportation by sea, under passes, to be granted for a certain consideration in money; the following Regulation is therefore passed, to have effect from the date of promulgation.

Part of Regulation XXI. of 1827, providing for a duty on opium imported into Bombay, and for its deposit in warehouses, rescinded as regards Malwa opium imported under a pass.

I. So much of Sections I. and II. of Regulation XXI. of 1827, as provides for a duty on opium imported into Bombay, and for its deposit in any warehouse approved of by Government, is hereby rescinded, in so far as regards Malwa opium imported under a pass in virtue of the provisions of this Regulation.

Opium may be imported into Bombay by the direct route for exportation by sea, on obtaining regular passes for a certain consideration in money.

II. *First.* Malwa opium may in future be imported or brought into Bombay for exportation by sea, by the direct route from Malwa, if accompanied by a regular pass or rowana, describing the route, obtained from the opium-agent in Malwa, or the warehouse-keeper in Bombay, or other officer duly authorized by Government; such consideration, in money, being paid for such passes as Government may from time to time deem expedient.

Opium so imported exempt from penalties prescribed by Regulation XXI. of 1827, for illegally imported opium.

Second. Opium, on its direct route to Bombay, or on its importation there, in pursuance of the provisions of the preceding clause, shall be exempt from the penalties provided in Regulation XXI. of 1827, for opium imported otherwise than according to the rules of that Regulation; but these penalties will still continue in force for all opium except as excepted by Regulation XXI. of 1827, Section I. Clauses First and Second, which is not accompanied by a pass duly obtained, or which

* It is enacted by Act VII. 1836, that the legality of acts done and levies made under this Regulation shall not be questioned in any court of law whatever.

is in excess of the quantity stated in such pass by which it may be accompanied.

And not subject to ordinary duties.

Third. Opium passing to or imported into Bombay under this Regulation, shall further be exempt from the ordinary duties leviable under Regulation XX. of 1827.

(BRANCH OF CIVIL JUDICATURE.)

Reg. I. 1831.

A.D. 1831. REGULATION I.

(SUPPLEMENT 5TH TO REGULATION XXIX. OF 1827.)

A REGULATION *for extending the Jurisdiction of the Agent of Government, acting under the Provisions of Section IV. Regulation XXIX. of* 1827, *over Suits in which Persons of Rank of the privileged Classes are concerned, and which are now cognizable by the Collectors of Land Revenue:* PASSED *by the Governor in Council of Bombay, on the* 5*th of January,* 1831.

Preamble.

WHEREAS it has been deemed expedient to extend the jurisdiction of the agent of Government acting under the provisions of Section IV. Regulation XXIX. of 1827, to suits connected with land, its rent and produce, wherein persons of rank of the privileged classes established by that regulation are concerned, the following rules have accordingly been enacted, to have effect from the date of promulgation.

Suits connected with land, its rent and produce, in which persons of rank of the privileged classes in the Dekkan are concerned, shall be cognizable by the agent of Government, and not by the collector of land revenue.

I. *First.* It is hereby declared, that suits connected with land, its rent and produce, wherein persons of rank of the privileged classes established by Regulation XXIX. of 1827, are concerned, and which, under the provisions of Section XXXI. of Regulation XVII. of 1827, are within the jurisdiction of collectors of land revenue, shall hereafter be cognizable only by the agent of Government acting under the powers vested in him by Section IV. Regulation XXIX. of 1827, and under the same rules as are prescribed for his guidance in other cases.

See Reg. XVI. 1831, and Act. vi. Act XIII. 1842.

All suits of this nature, now pending, to be transferred to the agent of Government.

Second. All suits of the nature adverted to in this Regulation now pending in the revenue courts of the zillahs of Poona and Ahmednuggur, are to be transferred to the agent of Government on the promulgation of this Regulation, to be proceeded with before that authority.

(REVENUE BRANCH.)

A.D. 1831. REGULATION II.

Reg. II. 1831.

[SUPPLEMENT 1ST TO REGULATION XX. OF 1827.]

A REGULATION *for modifying and rescinding certain Provisions of Regulation XX. of* 1827, *in as far as respects the Articles of Salt and Saltpetre :* PASSED *by the Governor in Council of Bombay, on the* 20*th of January,* 1831.

[Rescinded by Section II. Act I. 1838.]

(REVENUE BRANCH.)

A.D. 1831. REGULATION III.

Reg. III. 1831.

[SUPPLEMENT 3RD TO REGULATION XVIII. OF 1827.]

A REGULATION *for subjecting to the Stamp Duty Copies of Decrees passed by Native Commissioners, exempted therefrom under Regulation XVIII. of* 1827 : PASSED *by the Governor in Council of Bombay, on the* 26*th of January,* 1831.

Preamble.

WHEREAS, in consequence of the jurisdiction of *native commissioners* in the cognizance of original suits having, under the provisions of Regulation I. of 1830, been enlarged, it has been deemed expedient to modify such part of Regulation XVIII. as admits of copies of decrees passed by them being written on unstamped paper ;—the following rule has therefore been enacted, to take effect from the date of promulgation.

Decrees passed by *native commissioners* required to be written on stamped paper.

I. So much of Section XX. Regulation XVIII. of 1827, as provides for copies of decrees passed by *native commissioners* being written on plain paper is rescinded ; and it is hereby declared that copies of decrees passed by these functionaries shall hereafter be furnished on stamped paper, on the scale laid down in Appendix F. of the above-quoted Regulation.

(REVENUE BRANCH.)

Reg. IV. 1831.

A.D. 1831. REGULATION IV.

[SUPPLEMENT 1ST TO REGULATION XVI. OF 1827.]

A REGULATION *for vesting, on special Occasions, Assistant Collectors, being also Assistant Magistrates, when on deputation, with Criminal Jurisdiction in Offences declared penal under Section XI. of Regulation XVI. and Section XVI. of Regulation XVII. A.D.* 1827, *and hitherto cognizable only by Collectors as Magistrates:* PASSED *by the Governor in Council of Bombay, on the 26th of January,* 1831.

[Rescinded by Act XXV. 1839.]

(CRIMINAL BRANCH.)

Reg. V. 1831.

A.D. 1831. REGULATION V.

[SUPPLEMENT 4TH TO REGULATION XIV. OF 1827.]

A REGULATION *for making Persons effecting an Escape from Custody, unaccompanied by Force, liable to the Penalties prescribed in Regulation XIV. Section XXIV. of* 1827: PASSED *by the Governor in Council of Bombay, on the 4th of May,* 1831.

Preamble

WHEREAS it having been found that escapes have been effected from custody, unaccompanied by force, which it is necessary to punish, it has therefore been determined to strike the word "forcible" out of Section XXIV. of Regulation XIV. of 1827, and the following rules have been enacted.

The word "forcible," in Chap IV Sec. xxiv. Reg XIV. of 1827, rescinded

I. The word "forcible," in Regulation XIV. Chapter IV. Section XXIV. of A.D. 1827, is hereby rescinded.

Escapes from custody before sentence, liable to the same penalties as those attempted or effected afterwards.

II. And furthermore it is enacted, that escapes from custody before sentence shall be liable to the same penalties as those attempted or effected afterwards, the extent or degree of punishment being governed by the mode of escape.

III. And it is further enacted, that any person or persons permitting or aiding in an escape of a prisoner from custody shall be liable to the same punishment as the prisoner who may have attempted or effected his escape, for such attempt or such escape.

Persons permitting or aiding in an escape of a prisoner from custody liable to the same punishment as the prisoner who may have attempted or effected his escape, for such attempt or such escape.

A.D. 1831. REGULATION VI.

Reg. VI. 1831.

A REGULATION *for raising, at the Ports within the Limits of the Gulf of Cambay, Funds for the Support of a Lighthouse upon the Island of Peerum, in that Gulf:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the 29th day of June,* 1831.

Preamble.

WHEREAS it has been deemed advisable that a lighthouse be erected upon the island of Peerum, in the Gulf of Cambay, for the security of vessels navigating that part of the coast, and to provide funds for reimbursing the outlay by levying fees from the said vessels;—the following rules have been enacted, to have effect from the date of promulgation.

Rate of fee to be levied from every boat or trading vessel entering any port within the limits of the Gulf of Cambay, with the exception of those of Cambay and Bhownugur.

I. *First.* A fee of half a rupee shall be levied from every coasting boat or trading vessel entering any port within the limits of the Gulf of Cambay, from Bhugwara or the Koluk river, on the south, as far as Gogheh, on the western coast, with exception of those of Cambay and Bhownugur.

Second. The said fee shall be exacted in addition to the usual anchorage-fee of the port; and no boat shall be allowed to receive back her pass to depart until payment of the same.

Rate of fee to be levied from every boat or vessel importing goods at any port within the said limits from either of the ports of Cambay or Bhownugur.

II. Fee of one rupee shall be levied from every boat or vessel importing goods at any port within the said limits from either of the ports of Cambay or Bhownugur, and it shall be lawful to detain her until payment of the same.

How the proceeds of the said fees are to be appropriated.

III.* The proceeds of the said fee shall be appropriated to liquidation of the expenses of erecting a lighthouse upon the island of Peerum, and to maintenance of an establishment for attending the light, any deficiency in the receipts from this fee being made up from the sums realized on account of anchorage-fees at the ports within the said limits.

* Fees levied under this Regulation are declared disposable for other purposes by Act I. 1836.

(BRANCH OF CIVIL JUDICATURE.)

Reg. VII. 1831.

A.D. 1831. REGULATION VII.

[SUPPLEMENT 3RD TO REGULATION IV. A.D. 1827.]

A REGULATION *for modifying the Rules under which Appeals in Civil Suits are to be admitted:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the 29th day of June,* 1831.

Preamble.

WHEREAS it having been found inconvenient to parties in distant zillahs that the appeal from the assistant judge's decisions should lie only to the Sudder Dewanny Adawlut;—the following rules have been enacted, to take effect from the date of their promulgation.

Rescinding Clauses First, Second, and Third of Sec. lxxii. Reg. IV. A.D. 1827, and Reg. II. A.D. 1830.

I. The three first Clauses of Section LXXII. Regulation IV. A.D. 1827, and Regulation II. 1830, are hereby rescinded.

Appeals from the decisions of *amenes* to lie to the zillah judge, who may refer them to his assistants.

II. Decisions made by *native commissioners* may be appealed to the zillah judge according to the Rules contained in the sixteenth chapter of Regulation IV. A.D. 1827, as they may be modified by subsequent enactments, and such appeals may be referred for trial to assistant judges under the rules contained in Regulation I. A.D. 1830, as they may be modified by subsequent enactments.

Decisions passed by an assistant judge at the Sudder station upon appeals so referred, are open under certain restrictions to a further appeal to the zillah judge.

III. *First.* If the decision of an assistant judge of the Sudder station confirm that of the *native commissioner*, it shall be appealable to the zillah judge, provided the matter at issue (that is, the property, the disposal of which in the said decision is disputed, whether it be the whole or a part of that sued for), do not exceed in value (2,000) two thousand rupees; but if the assistant judge's decision alter or reverse that of the *commissioner*, it shall be so appealable, if the matter at issue do not exceed in value (1,000) one thousand rupees. If the matter at issue be above these sums respectively, the appeal shall lie to the Court of Sudder Dewanny Adawlut.

Modified by Act III. 1843.

Also from an assistant judge at a detached station.

Second. If the decision of an assistant judge at a detached station confirm that of the *commissioner*, it shall be final, if the matter at issue do not exceed in value (1,000) one thousand rupees; but if the assistant judge's decision alters or reverses that of the *commissioner*, it shall be final only if the matter at issue do not exceed in value (500) five hundred rupees.

Special appeal to the *judge* provided for in-suits which by the provisions of the preceding clause are debarred from a regular appeal.

Third. When the matter at issue in an appeal decided by an assistant judge at a detached station is below the amount stated in the preceding clause as the limit of his final jurisdiction, the parties may proceed by special appeal to the [*zillah judge*], under the rules in Chapter XXII. of Regulation IV. A.D. 1827, as they may be modified by subsequent enactments.

Substitute "Sudder Adawlut," under Act III. 1843.

Modified by Act III. 1843.

Fourth. And when the matter at issue in such an appeal is above the amount of the assistant judge's final jurisdiction, it may be re-appealed to the zillah judge, if it do not exceed (5,000) five thousand rupees; if it be above that sum, the appeal will lie to the Sudder Dewanny Adawlut.

In suits not falling within the final jurisdiction of the assistant judge, a further appeal to lie to the judge when amount does not exceed Rs. 5,000; if above that sum, to the Sudder Adawlut.

Dewanny

Fifth. The zillah judge's decision on cases appealed to him shall be final, except by means of special appeal to the Sudder Dewanny Adawlut.

The zillah judge's decision in appeals above referred to declared final, except by special appeal to the Sudder Dewanny Adawlut.

IV. *First.* Suits referred to assistant judges for original trial, according to Regulation I. A.D. 1830, Section V. shall be appealable to the zillah judge, whose decision shall be final if confirmatory of the original decision, and the matter at issue do not exceed in value (5,000) five thousand rupees.

Suits tried in the first instance by the assistant judge appealable to the zillah judge, whose decision is in certain cases made final;

Second. But otherwise they shall be appealable to the Sudder Dewanny Adawlut, to which court also the resort by means of special appeal, under the general rules for that process, continues open in all cases.

And in others open to regular appeal to the Sudder Dewanny Adawlut, a special appeal lying in all cases to that court under the general rules.

V. In modification of Clause First, Section XCIX. Regulation IV. of 1827, it is hereby made optional with the party desirous of making a special appeal to the Court of Sudder Dewanny Adawlut to present his petition in that court, as now practised, or to the zillah judge for transmission, when the zillah judge will immediately forward the same, with copies of the decrees of the lower courts.

A petition for a special appeal may be presented either in the Zillah Court for transmission to the Sudder Dewanny Adawlut, or as the law now stands, at the Court of Sudder Dewanny Adawlut.

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1831. REGULATION VIII.

Reg. VIII. 1831.

[Supplement 5th to Regulation XIII. A.D. 1827.]

A Regulation *for modifying the Jurisdiction of Session Judges and Judicial Commissioners:* Passed *by the Right Honourable the Governor in Council of Bombay, on the 29th day of June,* 1831.

Whereas it has been found expedient to modify the provisions contained in Regulations XIII. A.D. 1827, and III. 1830, for the administration of criminal justice, the following rules have been enacted, to take effect from the date of their promulgation.

Preamble.

I. The sub-collectors, appointed as provided in Regulation V. A.D. 1830, Section II., shall henceforth, in their magisterial capacity, be denominated joint magistrates.

Sub-collectors, in their magisterial capacity, to be denominated joint magistrates.

Empowered to adjudge solitary imprisonment.

Such power extended to assistants, subject to confirmation.

The substitution of ordinary imprisonment for solitary confinement provided for.

II. *First.* Zillah magistrates shall be authorized to adjudge the punishment of solitary imprisonment, for a period not exceeding one month, in cases to which that mode of punishment applies by Regulation.

Second. And the same authority may be exercised by the assistants, except that the sentences shall not be executed until confirmed by the magistrate.

Third. But when the means of enforcing solitary confinement do not exist, ordinary imprisonment is to be substituted for it, in the ratio of six months for one.

Rescinding Sec. vii. Reg. XXX. A.D. 1827, and substituting the following rules.

The session judge empowered, under certain restrictions, to instruct the magistrate relative to cases handed up for trial before him.

And to call for the records in cases tried before the magistrate, and amend them; the case, however, if the amendment proposed be not approved of, being to be submitted to the Court of Sudder Foujdary Adawlut.

III. *First.* Section VII. of Regulation XXX. A.D. 1827, is hereby rescinded, and instead of the authority therein vested in the session judge, he shall act under the rules in the succeeding clauses of this Section.

Second. The session judge shall be authorized to issue instructions to the zillah magistrate, respecting the preparation of cases brought before him by the latter, these instructions being confined to points indicated in the Regulations.

Third. And in the absence of the judicial commissioner, the session judge shall be empowered to call for the records of the zillah magistrate, on any case or proceeding wherein special reason may appear for so doing, and if on investigation he consider it necessary to make an amendment thereon, of such nature as the magistrate either does not approve or is not authorized to perform, he shall forward the said records, accompanied by his correspondence with the magistrate, to the Court of Sudder Foujdary Adawlut.

Modifying Clause Second, Sec. iii. Reg. XXX. A.D. 1827, and providing, that sentences of solitary imprisonment, passed for a longer period than six months, shall be confirmed by the Sudder Foujdary Adawlut.

Visiting judicial commissioner authorized to annul any sentence or proceeding of the zillah magistrates, who may remonstrate, but shall comply on the receipt of a second precept; the case being immediately forwarded to the Sudder Foujdary Adawlut.

IV. In modification of the jurisdiction conferred on session judges by Regulation XXX. A.D. 1827, Section III. Clause Second, it is hereby enacted, that sentences of solitary imprisonment, passed by them for a period longer than six months, shall not be executed until referred to and confirmed by the Court of Sudder Foujdary Adawlut.

V. The visiting judicial commissioner shall have authority to annul any sentence or proceeding of the magistrate in whose zillah he may be officiating. The magistrate, however, shall be authorized to remonstrate, when, if the commissioner still think his previous order necessary to be enforced, he shall issue a second precept for the purpose, which shall be obeyed forthwith, and the commissioner shall without delay forward the records of proceedings and correspondence to the Sudder Foujdary Adawlut, which shall be competent to issue final instructions on the case.

Sec. viii. Reg. XXX. A.D. 1827, rescinded, and the provisions of Sec. xxix. Reg. XIII. A.D. 1827, extended throughout the zillahs under this presidency.

The Sudder Foujdary Adawlut authorised to mitigate, annul, or revise any sentence brought before the

VI. Section VIII. of Regulation XXX. A.D. 1827, is hereby rescinded, and the provisions of the twenty-ninth Section of Regulation XIII. 1827, are, instead, to have effect in all zillahs under the presidency of Bombay.

VII. It is hereby enacted that such sentences as, by the relation which the third section of Regulation III. A.D. 1830, bears to the third clause of Section XXI. Regulation XIII. A.D. 1827, have been considered as not liable to revision by the Sudder Foujdary Adawlut, in consequence of not

being referable to it, are hereby declared subject to mitigation, annulment, or revision, when brought before that court in the course of any official proceeding, and any provision to the contrary in the fifth clause of Section XXX. Regulation XIII. A.D. 1827, or elsewhere, is hereby rescinded.

court, in the course of any official proceeding.

VIII. *First.* The sixth clause of Section XXXVIII. Regulation XIII. A.D. 1827, is hereby rescinded; but the native law officers shall attend at all trials, that they may be ready to assist the court when it is desirable to consult them.

Rescinding Clause Sixth, Sec. xxxviii. Reg. XIII. A.D. 1827, and regulating the attendance of the native law officers at all trials.

Second. If, from any unavoidable impediment, a law officer be unable to attend, it shall be recorded in the proceedings, and if the trial then held require reference to him, it shall be made instead to the law officer of some other zillah, through the medium of the judge of that zillah.

And cases of unavoidable absence provided for.

IX. *First.* When a prisoner is found guilty, the sentence shall be passed according to the Regulations, unless the charge be of the nature contemplated in Regulation XIV. A.D. 1827, Section I. Clause Seventh.

Regulating the passing of sentence.

Second. In which case the offence proved against the prisoner shall be stated to the proper law officer in writing, and he shall return a written answer, specifying the punishment awarded by the law of his faith; in which, if mutilation be included, it shall be commuted to a term of imprisonment, at the rate of seven years for the loss of limb or feature, and sentence shall be passed accordingly.

And specially providing for cases falling under Clause Seventh, Sec. I. Reg. XIV. of 1827.

Third. But if the law officer's exposition adjudge other punishment, of a nature not authorized by the Regulations, it shall be commuted to some which is so authorized, at the discretion of the court, but the sentence shall not be executed until referred to and confirmed by the Court of Sudder Foujdary Adawlut.

Exception.

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1831. REGULATION IX.

Reg. IX. 1831.

[SUPPLEMENT 1ST TO REGULATION XV. A.D. 1827.]

A REGULATION *for modifying the Rules under which Landholders may be invested with Police Jurisdiction:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the 29th of June,* 1831.

WHEREAS the existing provisions, requiring the confirmation of the magistrate to certain sentences passed by landholders, have been found inexpedient;—the following alteration has been enacted, to take effect from the date of its promulgation.

Preamble.

Rescinding Sec. XI. Reg. XV. A.D. 1827.

Sentences passed under the above authority, to be immediately executed, the magistrate being authorised to mitigate or annul them, or to remove the investigation of any case, at any time, to himself or his assistant.

I. *First.* The eleventh section of Regulation XV. A.D. 1827, is hereby rescinded.

Second. And sentences, awarded as authorized by that Regulation, shall be carried into immediate execution, the magistrate, however, being vested with full power, if he see sufficient cause, to mitigate or annul them, or to remove the investigation of any case under progress, to himself or to any of his assistants who would have been competent to take original cognizance of it.

(REVENUE BRANCH.)

Reg. X. 1831.

A.D. 1831. REGULATION X.

[SUPPLEMENT 4TH TO REGULATION XVII. A.D. 1827.]

A REGULATION *providing for the Recognition of the Vechania and Gerania Tenures as sufficient Title for the Exemption of Lands from the payment of Revenue, in modification of Clause Second, Section XXXV. Regulation XVII. A.D.* 1827: *Passed by the Right Honourable the Governor in Council of Bombay, on the* 29*th of June,* 1831.

Preamble.

WHEREAS it has been deemed expedient that the Vechania and Gerania tenures should be no longer excepted from those tenures recognized by the custom of the country, as conferring title to exemption from revenue, the following rule has therefore been enacted, to take effect throughout the territories subordinate to the Bombay presidency, from the date of promulgation.

Rescinding such part of Clause Second, Sec. XXXV. Reg. XVII. A.D. 1827, as excludes Vechania and Gerania from the tenures recognized by the custom of the country as conferring a valid title to exemption, and such exception declared not to prejudice other established rights.

I. So much of Clause Second, Section XXXV. Regulation XVII. of 1827, as excepts the Vechania and Gerania tenures from those tenures which are recognized by the custom of the country, as conferring a valid title to exemption from revenue, is hereby rescinded; and it is declared that any acts which may have arisen from such exception shall not be held to operate against any rights which would otherwise exist.

A.D. 1831. REGULATION XI.

Reg. XI. 1831.

[SUPPLEMENT 1ST TO REGULATION IX. OF 1830.]

A REGULATION *for establishing and levying a Toll on certain descriptions of Carriages on the Road up the Bhore Ghaut, and for fixing the Currency in which the Toll is to be levied:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the 29th of June,* 1831.

[Repealed by Section I. Act II. 1837.]

A.D. 1831. REGULATION XII.

Reg XII 1831.

A REGULATION *for providing Funds for the Repair of the City Walls of Ahmedabad:* PASSED *by the Governor and Council of Bombay, on the 6th July,* 1831.

[Repealed by Act XIX. 1844.]

(REVENUE BRANCH.)

A.D. 1831. REGULATION XIII.

Reg. XIII 1831

[SUPPLEMENT 2ND TO REGULATIONS XVI. AND XX. A.D. 1827.]

A REGULATION *modifying the Provisions of Section II. Regulation XVI. with respect to the Collection of Inland Duties and Customs, and also the Provisions of Regulation XX. of* 1827, *with respect to Sea Customs, and providing for the Realization of these Revenues by other Covenanted Servants than those specified in the above-mentioned Regulations, or by farming the same when deemed expedient:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the 17th day of August,* 1831.

[Repealed by Section II. Act I. 1838.]

(REVENUE BRANCH.)

Reg. XIV. 1831.

A.D. 1831. REGULATION XIV.

[SUPPLEMENT 4TH TO REGULATION XVIII. OF 1827.]

A REGULATION *for rescinding that Part of Section VII. Regulation XVIII. of* 1827, *which requires all Stamped Paper to be endorsed with the Official Signature of some Person belonging to the Office of Superintendent of Stamps, and prescribing how that Duty shall henceforth be performed:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the 24th day of August,* 1831.

Preamble.

WHEREAS it has been deemed expedient to rescind that part of Section VII. Regulation XVIII. of 1827, which requires that all stamped paper shall be endorsed with the official signature of the superintendent of stamps, or of other officers acting under his authority, and to transfer their endorsement to the department of the several collectors of land revenue; the following rules have accordingly been enacted by the Right Honourable the Governor in Council, to be in force from the 1st November, 1831, within the Bombay territories.

Rescission of Clause Third, Sec vii. Reg. XVIII 1827.

I. *Third.* Section VII. Regulation XVIII. 1827, which prescribes that all stamped paper shall be endorsed with the official signature of the superintendent of stamps, or of officers acting under his authority, with the sanction of the Governor in Council, is hereby rescinded.

All stamped papers to be endorsed with the official signature of some one attached to the departments of the several collectors of land revenue, and not to be admitted in any court of judicature unless so endorsed.

II. It shall be the duty of the principal collectors, collectors, and sub-collectors of land revenue, or of their covenanted assistants or other officers acting under their authority, with the sanction of the Governor in Council, previously to issuing such stamped paper to the vendors, or to disposing of it themselves, to endorse their official signatures in writing upon each paper; and the courts of judicature shall not admit or file any stamped paper, unless it be authenticated in the manner herein provided.

(REVENUE BRANCH.)

A.D. 1831. REGULATION XV.

Reg XV. 1831.

[SUPPLEMENT 3RD TO REGULATION XVI. OF 1827.]

A REGULATION *providing Rules for the Punishment of Patels of Villages, in case of their falsifying Revenue Records:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the 7th day of September,* 1831.

Preamble.

WHEREAS it has been found that the existing penalties are insufficient to deter patels of villages from falsifying revenue records, the following rule is therefore enacted, to take effect from the date of promulgation.

Fraudes committed by village patels in official accounts or records formed, kept, or attested by them, in the exercise of their official duties, made liable to the same penalties as village accountants.

See Act XXV. 1839.

I. When village patels, in the course of their official duties, form, keep, or attest official accounts or records of any sort, they shall be liable, for fraud committed in the same, to the same penalties as village accountants are subjected to by Regulation XVI. A.D. 1827, Section XXVII.

(BRANCH OF CIVIL JUDICATURE.)

A.D. 1831. REGULATION XVI.

Reg XVI. 1831.

[SUPPLEMENT 6TH TO REGULATION XXIX OF 1827.]

A REGULATION *for extending the Jurisdiction vested in the Political Agent in the Southern Mahratta Country, under the Provisions of Section V. Regulation VII. A.D.* 1830, *to the cognizance of Civil Suits of the nature specified in Regulation I. A.D.* 1831, *and also for the better defining the Extent of Jurisdiction therein conferred with respect to Persons of the Privileged Classes:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the* 14*th day of September,* 1831.

Preamble.

WHEREAS it has been deemed expedient to extend to the political agent in the Southern Mahratta country, as agent of Government, the cognizance of suits of the nature specified in Regulation I. A.D. 1831, and to define more expressly the extent to which such suits shall be cognizable before the agent of Government; the following rules have therefore been enacted, to have effect from the date of promulgation.

Suits of the nature specified in Clause First, Sec. I. Reg. I. A.D. 1831, also declared cognizable before the political agent of the Southern Mahratta country.

I. It is hereby enacted, that suits of the nature specified in Clause First, Section I. Regulation I. A.D. 1831, shall also be cognizable before the political agent in the Southern Mahratta country, as agent of Government, and shall be tried by him in the same manner, and under the same rules, as are prescribed for his guidance in Section V. Regulation VII. A.D. 1830.

See Sec. vi. Act XIII. 1842.

The provisions of Clause First, Sec. I. Reg. I. A.D. 1831, explained to be applicable to such suits only wherein the persons of the privileged classes are defendants.

II. And it is further explained, with reference to Clause First, Section I. Regulation I. A.D. 1831, that such suits shall be cognizable before the agents of Government, only when the persons of the rank of the privileged classes shall, in the original suit, stand in the relation of defendants.

(MILITARY BRANCH.)

Reg. XVII. 1831.

A.D. 1831. REGULATION XVII.

[Supplement 1st to Regulation XXII. A.D. 1827.]

A Regulation *for extending the Powers of the Court of Requests, constituted under Clause First, Section VII. Regulation XXII. A.D.* 1827, *when sitting in Places beyond the British Territory:* Passed *by the Right Honourable the Governor in Council of Bombay, on the* 14*th day of September,* 1831.

[Repealed by Section I. Act XI. 1841.]

(BRANCH OF CIVIL JUDICATURE.)

Reg. XVIII. 1831.

A.D. 1831. REGULATION XVIII.

[Supplement 3rd to Regulation II. A.D. 1827.]

A Regulation *for instituting Gradations of Rank in the Judicial Appointments conferred on Natives, and defining the Authority to be exercised by each Rank:* Passed *by the Right Honourable the Governor in Council of Bombay, on the* 14*th day of December,* 1831.

Preamble.

Whereas it is consistent with the principles on which the original trial of civil suits in general has been vested in natives of the country, that a

certain extent of appellate jurisdiction should also be exercised by them; and it being deemed expedient for the better introduction of this measure that certain gradations of rank should be instituted amongst the native judicial authorities, the following rules are enacted, to have effect from the 1st January, 1832.

Establishing three gradations of *native commissioners, and their respective designations.*

Superseded by Sec. 1. Act XXIV. 1836.

I. The office of *native commissioner*, instituted by Regulation II. A.D. 1827, Section XXXVII. shall henceforth comprise three gradations, and the officers holding them shall be denominated [*native judges, principal native commissioners, and junior native commissioners respectively*].

See Reg. II. 1839, and Act IX. 1844.

Providing for the appointment of *native judges;*

II. *First.* In modification of the first clause of Section XXXVIII. Regulation II. A.D. 1827, it is hereby provided, that the commissions conferring the office of *native judge* shall be issued by the Governor in Council to such individuals as he may select.

of *principal native commissioners;*

Second. And the *principal native commissioners* shall be selected as well as appointed by the Court of Sudder Dewanny Adawlut.

of *junior native commissioners.*

Third. And the *junior native commissioners* shall continue to be appointed on the principles laid down in the above-quoted enactment.

See Act IX. 1844.

See Act III. 1843.

Native judges to have cognizance, in addition to original suits of any amount, of appeals from decisions of *principal* or *junior native commissioners* not exceeding Rs. 100;

III. *First.* Besides the trial of original suits of any amount, appeals from original decisions made in any part of the respective zillah by *principal or junior native commissioners*, if not exceeding one hundred (100) rupees in amount, may be referred to the *native judges*, whose decisions thereon shall be subject to the same course of appeal as their decisions on original suits.

principal native commissioners of original suits to the amount of 10,000, and *junior native commissioners* of 5,000 rupees.

Second. In modification of the first clause of Section V. Regulation I. A.D. 1830, it is hereby provided that *principal native commissioners* shall be authorized to try suits only to the amount of 10,000 rupees, and *junior native commissioners* only to the amount of 5,000 rupees.

(REVENUE BRANCH.)

A.D. 1832. REGULATION I.

Reg. I. 1832.

A REGULATION *for equalizing the Tax on Salt imported at Malwan and Vingorla, in the Konkan Zillah, with other places of Import in their Vicinity: made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the 16th of May,* 1832.

[Repealed by Section I. Act I. 1838.]

(REVENUE BRANCH.)

Reg. II. 1832.

A.D. 1832. REGULATION II.

[SUPPLEMENT 5TH TO REGULATION XVII. OF 1827.]

A REGULATION *providing for the realization of certain Items of Revenue from Farmers thereof*: PASSED *by the Right Honourable the Governor in Council, on the* 13*th day of June*, 1832.

Preamble.

WHEREAS it has been deemed expedient to institute Rules for enforcing the collection of revenue due from farmers of sea *and land* customs, *transit duties*, and other taxes and duties of whatever description, and of any branch of the public revenue, for which Rules are not laid down in Regulation XVII. of 1827; — the following enactment has therefore been passed, to take effect from the date of promulgation.

The farmer how to be proceeded against, in failure of his engagements.

I. *First.* The Rules contained in Section XXVIII. Regulation XVII. A.D. 1827, for recovering sums which farmers of land revenue and their securities may fail to pay, and resuming their farms, shall also be applicable to cases wherein the collection of sea customs, [*land customs, transit duties,*] or any tax or duty, or other item of revenue whatsoever is farmed, the officers respectively employed being substituted for those occupying corresponding offices in the land revenue department.

Abolished by Sec. ii. Act I. 1838.

On resumption of a farm, no payments made to the farmer in advance to be admitted.

Second. In the event of the resumption of a farm, no payment made to the farmer in anticipation shall be held to bar the claim of the officer in charge of the collections to the customs, tax, or duty, which he will realize in the same way as if no farm had been granted.

Penalties specified in the agreement, how to be levied.

II. All specific pecuniary penalties to which a farmer or his security renders himself liable under the terms of his agreement, shall be recovered from him in the same way as a balance of revenue.

(REVENUE BRANCH.)

A.D. 1833. REGULATION I.*

Reg. I. 1833.

[SUPPLEMENT 3RD TO REGULATION XX. OF 1827.]

A REGULATION *requiring all Importers and Exporters of Goods and Merchandise at the port of Bombay to exhibit in their Manifests a full description and true account thereof;* PASSED *by the Right Honourable the Governor in Council, on the 9th of January,* 1833.

Preamble.

WHEREAS it is desirable, for the interests of commerce and of the public revenue derivable therefrom, that the Government as well as the mercantile community should at all times be correctly informed of the precise quantity and description of the various articles of merchandise which enter into the import and export trade of the port of Bombay, in order that the extent and nature of the trade to all places with which a commercial intercourse is carried on, may be correctly known; and with this view, that the production of a full and true manifest or list thereof should be rendered imperative upon all importers and exporters, the following rules have therefore been enacted, to be in force from the date of promulgation.

The old form of manifests rescinded.

See Secs. xxvi. to xxix. and Schd. C, Act I. 1838.

Section I.† *First.* The form of manifest inserted in the third clause of Section III. of Regulation VI. of 1799, is hereby rescinded, as not being sufficiently descriptive and particular; and the importers and exporters of all goods and merchandise are required to deliver into the custom-house manifests containing a full and true specification thereof, according to the form of Appendix (A), the usual oath or affirmation being subjoined thereto.

Manifests henceforth to be in the form of Appendix (A).

Superseded by the Sections above quoted.

Second. No goods or merchandise shall be permitted to be landed until the manifest exhibiting the particulars prescribed in the form of Appendix (A) shall have been delivered into the custom-house; and all goods and merchandise landed previously to such delivery, and all subsequently landed without having been included in the manifest, shall be liable to confiscation; which confiscation shall be conducted agreeably to the provisions of [*Chapter IX. of Regulation XX. of* 1827].

Penalty of confiscation how incurred.

Repealed by Sec. ii. Act I. 1838: see Sec. xxx. of that Act.

A book of imports and exports to be kept at the custom-house for general inspection.

II. A book shall be kept at the custom-house of imports and exports to and from all parts of the world between which and this port there is any commercial intercourse. It shall be in the form of Appendix (B), and shall be open for general inspection at all times during office hours.

* It is enacted by Act. VII. 1836, that the legality of acts done, and levies made under this Regulation, shall not be questioned in any court of law whatever.

† Superseded as relates to imports by Secs. xxvi. to xxix. and Sec. xxxi. Act I. 1838.

APPENDIX (A).

Appendix (A).

[*Form of manifest same as Schedule C, Act I.* 1828.]

APPENDIX (B).

Form of a Book to be opened at the Custom-house for Imports and Exports from and to Great Britain, China, Calcutta, Madras, Mocha, Mauritius, &c.

Name of ship.	From whence.	Date of arrival.	Goods.	Pieces.	Yards.	Quantity.	Weight.	Barrels.	Gallons.	Separate Value.	Total Value.
			Cotton yarn - -	- -	- -	200 bales	6,000 lbs.				
			Long cloths, bleached -	1,000	40,000	—					
Welcome -	Clyde - -	1832: April -	Iron, English - -	- -	- -	1,000 bars	25 tons.				
			Sherry wine - -	- -	- -	- -	- -	10 butts	1,300		

(BRANCH OF CIVIL JUDICATURE.)

Reg. II. 1833.

A.D. 1833. REGULATION II.

[SUPPLEMENT IV. TO REGULATION II. OF 1827.]

A REGULATION *for vesting Judicial Native Commissioners with authority to try Civil Actions in any Part of a Zillah to which they stand appointed:* PASSED *by the Right Honourable the Governor in Council, on the 16th day of January,* 1833.

Preamble.

WHEREAS it has been found expedient to modify as much of Clause Second, Section XXXVIII. Regulation II. A.D. 1827, as provides for the specification of the district over which *commissioners* have jurisdiction, being inserted in the commissions of appointment; the following alterations have been enacted, to take effect from the date of promulgation.

The provision in Regulation II. of 1827, requiring that commis-

I. *First.* So much of Clause Second, Section XXXVIII. Regulation II. A.D. 1827, as requires that *commissioners* shall specify the

particular district over which the jurisdiction of *commissioners* shall extend, is hereby rescinded.

sions shall specify the district of each *commissioner's* jurisdiction, rescinded.

See Sec iii. Act IX 1844.

Second. Commissions of appointment shall be made out for the zillah generally; but the jurisdiction of *commissioners* shall continue as at present, to extend over a particular district, to be defined and fixed upon by the zillah judge, *under the sanction of the Sudder Dewanny Adawlut.*

Their commissions shall be made for the zillah generally, but their jurisdiction shall extend over a particular district, defined and fixed upon by the zillah judge *under the sanction of the Sudder Dewanny Adawlut*

Third. Zillah judges shall have authority to depute temporarily *commissioners* from their ordinary districts, to assist in others where suits may have accumulated and fallen into arrears.

The zillah judge authorised to depute the *commissioners* temporarily from their ordinary districts, to assist in others

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(CRIMINAL BRANCH.)

A.D. 1833. REGULATION III.

Reg III 1833

[SUPPLEMENT 3RD TO REGULATION XII. A.D. 1827.]

A REGULATION *for the more efficient Administration of Police in certain large Towns, situated in the Zillahs subordinate to Bombay:* PASSED *by the Right Honourable the Governor in Council, on the 6th day of February,* 1833.

Preamble.

WHEREAS it has been found expedient to establish a more efficient system of police for extensive and populous towns, by the constitution of additional authorities, to be designated "joint police officers," in such places as the Right Honourable the Governor in Council may from time to time determine;—the following rules have been enacted, to have effect from the date of promulgation.

Provides for the appointment of "joint police officers"

1. *First.* Joint police officers shall be appointed in all such towns as Government may direct on the recommendation of the magistrates.

To whom they shall be subordinate, and what powers and jurisdiction vested in them

Second. Such officers shall be subordinate to the native collectors of the districts within which they may be fixed; they shall nevertheless be vested with authority and jurisdiction similar to what is exercised under the Regulations by the district police officers, and shall dispose of all police matters which may be referred to them for inquiry, either particularly or generally.

Rules regarding their appointment, dismissal, and responsibility

Third. The same rules which at present exist for the appointment, dismissal, and responsibility of district police authorities are to extend in all respects to joint police officers.

Regulation by which they shall be guided in the performance of their duty

Fourth. The magistrates' authority over joint police officers and their proceedings shall be similar to what is already laid down by Regulations over other police servants on their establishment; and in the performance of their duties within the towns to which they may be nominated, the joint police officers shall be guided by the provision contained in Chapter V.

Regulation XII. A.D. 1827, and other subsequent Regulations defining or extending the same.

How to correspond with superior authorities.

II. All communications with superior authorities shall go through the district police officers, except in cases where, from the delay caused by pursuing such a course, the public interests might be affected; or where other good and substantial reasons may exist, which shall be stated at large in the joint police officers' proceedings.

When no sentence has been adjudged, a case referred to the joint police officer may be resumed by the district police officer.

And where a sentence has been adjudged, the district police officer may suspend execution, pending a reference to the magistrate.

III. *First.* The district police officer may at any time, if he see fit to do so, resume a case which has been referred to the joint police officer, provided the sentence has not been adjudged.

Second. Where sentence has been adjudged, the district police officer may, if he should deem it necessary, suspend execution, pending a reference to the magistrate, who may mitigate or annul the sentence.

(REVENUE BRANCH.)

Reg. IV. 1833.

A.D. 1833. REGULATION IV.

[SUPPLEMENT 4TH TO REGULATION XX. A.D. 1827.]

A REGULATION *for protecting the Public Revenue from Loss arising from the diversion of Trade from the Ports of the British Territory to those of Foreign States; and also for imposing a Duty on Salt imported into the British Territory from Foreign States, made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, and* PASSED *by the Right Honourable the Governor in Council at Bombay, on the 3rd day of April,* 1833.

[Repealed by Section I. Act I. 1838.]

(REVENUE BRANCH.)

A.D. 1833. REGULATION V.*

Reg. V. 1833.

[SUPPLEMENT 4TH TO REGULATION XVI. OF 1827.]

A REGULATION *for declaring all Hereditary District and Village Officers, when entrusted by virtue of their Offices with the charge or collection of the Public Money, to be Officers of Receipt, and liable to certain Penalties for Embezzlement, and for providing for the recovery of Public Money from such Officers; for extending the Provisions of Clauses Second, Third, Fourth, and Fifth, Section XI. Regulation XVI. of* 1827, *to certain Native Officers on the Collector's Establishment; and for admitting the employment of Deputies of Hereditary District Officers in other cases than those laid down in Section XVIII. Regulation XVI. of* 1827: PASSED *by the Right Honourable the Governor in Council, on the* 17*th day of July,* 1833.

Preamble.

WHEREAS it is essential to the security and good management of the public revenue that all officers, whether holding their offices hereditarily or otherwise, who may be entrusted with the charge or collection of the public money, should be liable to the penalties of embezzlement, and that demands on them for public money should be enforced in the same manner as those on officers of the collector's establishment; that all officers on the collector's establishment, employed in the settlement of the revenue, should be liable to the provisions of Clauses Second, Third, Fourth, and Fifth, Section XI. Regulation XVI. of 1827; and also to obviate the inconvenience which has arisen from hereditary district officers being allowed to employ deputies only when incapable of personally discharging the duties of their office, from minority, or mental or bodily infirmity;—the following rules have therefore been enacted, to take effect from the date of promulgation :—

District and village officers collecting or in charge of public money liable to penalties, by Clauses Second, Third, Fourth, and Fifth of Section xi. of Regulation XVI. of 1827.

I. All district and village revenue officers holding their offices hereditarily or otherwise, when they may by virtue of such offices be entrusted with the charge or collection of the public money, shall be liable to the rules and penalties laid down in Clauses Second, Third, Fourth, and Fifth of Section XI. of Regulation XVI. of 1827, in the event of their making use of such public money for their own advantage, or for that of any other individual.

Extending provisions of Section xiv. of Regulation XVI. of 1827, for recovery of public money to all village and district officers.

II. So much of Section XIV. of Regulation XVI. of 1827, as provides for the recovery of public money from any native officer of the collector's establishment, is hereby declared applicable to all village or district officers, hereditary or otherwise, who may by virtue or under colour of their offices become possessed of such public money.

* The terms "hereditary district or village office or officers," and "hereditary district or village revenue office or officers," used in this Regulation, are by Sec. xv. Act XI. 1843, declared to apply to "all descriptions of hereditary offices and officers,"—and the provisions of this Regulation and of the eleventh and following Sections of Reg. XVI. 1827, are modified by Act XIII. 1850.

Extending provisions of Section xi. of Regulation XVI. of 1827 to all native officers employed in the settlement and management of the revenue.

III. All native officers on the establishment of the collector, employed in the settlement and management of the revenue, although not actually entrusted with the charge or collection of the public money, are hereby declared amenable to the provisions of Clauses Second, Third, Fourth, and Fifth of Section XI. of Regulation XVI. of 1827.

Modifying Section xviii. of Regulation XVI. of 1827, *and extending the powers of hereditary district officers to employ deputies with the sanction of the collector, they being subject to the same rules as the principals.*

IV. *In extension of the provision of Section XVIII. of Regulation XVI. of* 1827, it is hereby declared that the collector shall be competent to admit the employment of deputies of hereditary district officers in any case wherein he may deem it advisable, the deputies so employed being subject to the same rules as their principals.

Rescinded. See Sec. xii. Act XI. 1843.

(REVENUE BRANCH.)

Reg. VI. 1833.

A.D. 1833. REGULATION VI.

[SUPPLEMENT 6TH TO REGULATION XVII. OF 1827.]

A REGULATION *for reducing the Term of Enjoyment of Land required by Sections XXXV. and XXXVI. Regulation XVII. A.D.* 1827, *to constitute a title to Exemption from the payment of Land Revenue; the same being also applicable to Vechania and Geranin Lands, which have been exempted by Regulation X. A.D.* 1831, *from the exception previously in force with regard to them:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the* 31*st day of July,* 1833.

Preamble.

WHEREAS it having been found inconvenient in practice to adjust titles to land not paying revenue to Government held on the claim of possession for so long a period as sixty years, which by the existing Regulations is required to confer a prescriptive right, it has been deemed expedient to reduce the term;—and the following Rules have therefore been enacted, to take effect from the date of promulgation:—

Thirty years substituted for 60 years as the term required to confer a title to hold land wholly or partially exempt from payment of revenue.

I. *First.* In modification of such parts of Clauses Second and Third, Section XXXV., Clauses First and Second, Section XXXVI., Regulation XVII., Chapter IX., A.D. 1827, as prescribed sixty years as the term of possession of land, wholly or partially exempt from the payment of revenue, required to confer a title, it is hereby declared that possession, such as is therein contemplated, for a period of thirty years, shall constitute a title of the same nature as possession for sixty years previous to the promulgation of this Regulation.

Exceptions.

Second. Provided, however, that the above Rule shall not apply to Sirkar lands, alienated since the British Government obtained possession of the country, and without its permission; nor to lands occupied by private individuals on mortgage, or other bonds or deeds containing a specific

agreement, according to the terms of which they may continue to be enforced.

Third. Neither shall the above Rule be deemed to apply to grants made without the authority of the Peishwa since A.D. 1803, regarding territory ceded by or conquered from that authority, nor to jagheer or other lands held on service tenure, which are declared to be resumable at the pleasure of Government, under the forms laid down in Clause First, Section XXXVIII. Regulation XVII. A.D. 1827, it being understood that the expression used in the said clause, viz. "under the general rules," meant such rules as Government may think proper to issue from time to time.

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1833. REGULATION VII.

Reg. VII. 1833.

[SUPPLEMENT 6TH TO REGULATION XIII. A.D. 1827.]

A REGULATION *for Modifying the Provisions in force for the Trial and Punishment of Persons exceeding Twelve in number assembling for Riotous or Rebellious Purposes, not amounting to Treason; and for defining the Tribunal before which Persons committing Offences under the designation of Unlawful Attempts to alter the established Laws, or disturbing the Peace of Foreign States, may be Tried:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the* 31*st day of July,* 1833.

Preamble.

WHEREAS the existing Regulations provide for the trial of persons charged with offences of a political nature before a *special court now held by a judicial commissioner,* and render persons exceeding twelve in number, assembling for riotous or rebellious purposes not amounting to treason, liable to the punishment of rebellion; and whereas these offences are sometimes of such minor importance as not to require an extraordinary tribunal *of the above description,* nor deserve to be punished as rebellion, it is judged expedient to modify so much of the Regulations in force as bears on this;—the following rules are in consequence passed, to take effect from the date of promulgation:—

Superseded by Sec. I. Act V. 1841.

Modifying Clause First, Section xxiv. of Regulation XIII. of 1827.

I. *In modification of Clause First, Section XXIV. Regulation XIII. of* 1827, *it shall be competent for the Governor in Council to direct the trial of offences contemplated in Sections XIII., XIV. and XV. of Regulation XIV. of* 1827, *to be held before the ordinary tribunals.*

Riot.

II. Whenever offences of riot by tumultuous assemblies shall occur, such being proved before the magistrate as not coming within the meaning of Section XIII. Regulation XIV. of 1827, as tending to rebellion, such

riotous assembling shall from henceforth be considered a riot and breach of the peace.

Its punishment.

III. The punishment of riot is ordinary imprisonment, not exceeding ten years, or fine, or both combined.

(BRANCH OF CRIMINAL JUDICATURE.)

Reg. VIII. 1833.

AD. 1833. REGULATION VIII.

[SUPPLEMENT 7TH TO REGULATION XIII. OF A.D. 1827.]

A REGULATION *for Modifying Section IX. of Regulation III.* 1830, *and introducing a more suitable Arrangement for the Performance of the Annual Circuit by the Judicial Commissioners:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the 25th day of September,* 1833.

Preamble.

I. WHEREAS experience has shown that the existing division of the annual circuit of the judicial commissioners into two parts is insufficient, inasmuch as the great extent of the charge devolving on the judicial commissioner for the Dekkan and Southern Mahratta country renders it impracticable for this officer to devote his attention to every part of the division that should be visited; it is in consequence deemed expedient to introduce an arrangement, under which the whole of the territory subordinate to the Sudder Foujdary Adawlut shall be periodically visited in a regular manner; —the following rules are therefore passed, to be in force from the date of promulgation :—

Section IX. Regulation III. A.D. 1830, modified.

II. Section IX. Regulation III. of 1830 is modified, agreeably to the provisions contained in the following sections :—

The divisions of the annual circuit increased.

III. The annual circuit shall be divided into three parts, and a judicial commissioner appointed to each division, by the Governor in Council.

The districts comprised in the first.

IV. The first, or Goojerat and Konkan division, shall comprise the zillahs of Surat, Ahmedabad, and the Konkan, with exception of the detached station of Rutnagherie.

The districts comprised in the second.

The second, or Southern Mahratta country division, shall comprise the zillah of Dharwar and the detached stations of Rutnagherie in the Konkan zillah, and Sholapoor in the Poona zillah.

The districts comprised in the third.

The third, or Dekkan and Khandesh division, shall comprise the zillahs of Poona (with exception of the detached station of Sholapoor) and Ahmednuggur.

V. The general circuit shall be performed in the following manner:

The periods to be occupied by the circuits respectively.

The judicial commissioner for Goojerat and the Konkan shall set out on the 1st of December, visiting Thanna, Surat, Broach, Kaira, and Ahmedabad; and in alternate years, Dholka, Dundookha, and Gogo, returning to the seat of the court previous to the 1st day of April.

The judicial commissioner for the Southern Mahratta country shall set out on the 1st day of April, visiting Dharwar, and such of the principal places in that zillah as he may think fit. In separate and alternate years, he shall visit the detached stations of Rutnagherie in the Konkan zillah, and Sholapoor in the Poonah zillah, returning to the seat of the court previous to the 1st day of August.

The judicial commissioner for the Dekkan and Khandesh shall set out on the 1st day of August, visiting Poona and Ahmednuggur, and such places in these zillahs as he may think fit. In alternate years he shall visit the detached station of Dhoolia, returning to the seat of the court previous to the 1st day of December.

The stay of the commissioners at stations regulated.

VI. Judicial commissioners are not to prolong their stay at the Sudder stations of zillahs beyond a period of 15 or 20 days, and 10 days at a detached station, unless detained by trials or urgent business that may require their presence on the spot.

A separate notification to be sent in to Government by each commissioner on commencing his circuit.

VII. Previous to commencing each portion of circuit, judicial commissioners shall notify to Government, through the secretary in the judicial department, the order in which they intend to proceed, with the dates on which they may expect to reach each station to be visited, in order that the same may be publicly announced in the Government Gazette. This is intended to be distinct from the notification to be made to the local officers on their tours, under the Regulations, to be promulgated in the several zillahs.

(BRANCH OF CRIMINAL JUDICATURE.)

A.D. 1833. REGULATION IX.

Reg. IX. 1833.

[SUPPLEMENT 8TH TO REGULATION XIII. OF A.D. 1827.]

A REGULATION *to provide for the Reception, in the Gaols under this Presidency, of Prisoners sentenced by Courts of Justice and Tribunals acting under British Superintendence, other than those provided for in the existing Regulations:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the* 30*th day of October,* 1833.

Preamble.

WHEREAS it has been deemed expedient to sanction and provide, by a legislative enactment, for the reception in the gaols of this presidency of prisoners sentenced by courts of justice or other tribunals, however deno-

minated, acting under British superintendence beyond the jurisdiction of the ordinary courts established within the Bombay territory, when the Governor in Council may be pleased to direct the same;—the following rules have therefore been enacted, to have effect from the date of promulgation.

Government empowered to direct the execution of a sentence of imprisonment passed by any court of justice under British superintendence, to be carried into effect in any gaol under this presidency.

I. *First.* It shall be competent for the Governor in Council, whenever he may consider it necessary or expedient to do so, to direct, by an order through the secretary to Government in the judicial department, that the confinement of any prisoner under sentence of any court of justice, or other authority wheresoever situated, being under British superintendence, beyond the ordinary jurisdiction, be carried into effect in any of the zillah or subsidiary gaols of this presidency. See Acts XVIII. 1843, and V. 1847.

A warrant or descriptive list to be furnished as authority for execution of the sentence.

Second. A warrant, or in its absence, a descriptive list, containing the name, age, caste, offence, and sentence of the prisoner, shall be transmitted with the prisoners to the judge or chief authority in charge of the gaol, and the same shall be sufficient authority for the fulfilment of the said sentence.

To be returnable to Government.

Third. The execution of sentence so transmitted shall be certified to the secretary to Government in the judicial department.

Prison discipline.

II. Prisoners in confinement under the above section shall be subject to the same rules and prison discipline as are in force for prisoners under the Regulations.

(REVENUE BRANCH.)

Reg. X. 1833.

A.D. 1833. REGULATION X.*

[SUPPLEMENT 2ND TO REGULATION XIX. A.D. 1827.]

A REGULATION *prescribing Rules for the Realization of Revenue from Abkary, in the Island of Bombay:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the 4th day of December,* 1833.

Preamble.

WHEREAS a modification has been made in the principles on which revenue is derived from Abkary in the island of Bombay;—the following rules have been enacted for the purpose of defining and publishing the same, which are to have effect from the 1st January, 1834.

The collection of the abkary revenue to be conducted by the collector.

I. The collection of revenue from the Abkary, in the island of Bombay, shall be conducted by the collector of Bombay, or under a farming management, subject to the control of the collector.

* It is enacted by Act VII. 1836, that the legality of acts done and levies made under this Regulation shall not be questioned in any court of law whatever.

II. *First.* Persons who may desire to draw liquor from cocoa-nut, brab, or date trees, for the purpose of distillation or otherwise, shall be furnished by the collector with licences in the form of Appendix (A), each licence being for either thirty or sixty trees, at the rates specified in the following clauses, and for a period not less than one month, if relating to cocoa-nut trees, and not less than a year, when relating to brab or date trees.

Persons drawing liquor from trees to be furnished with licences of the form in Appendix (A).

Second. But it shall be competent to the collector to refuse licences, whenever he may deem it expedient.

Collector competent to refuse such licences.

III. *First.* A tax of one quarter of a rupee per month shall be levied on each cocoa-nut tree licensed as above enacted.

Rate of tax on cocoa-nut tree.

Second. And a tax of three rupees per annum on each brab tree, and half a rupee per annum upon each date tree so licensed; except the brab trees in the district of Mahim, which shall continue to pay the same rates as heretofore.

On brab and date trees.

The Mahim district excepted.

IV. *First.* The above taxes shall be paid at such periods as the collector may deem expedient, the same being specified in each respective licence.

Time of payment.

Second. And in the event of failure, the collector shall be authorized to proceed as with revenue defaulters under the provisions of Section IV. Regulation XIX. A.D. 1827.

Enforcement of payment.

V. *First.* Any person drawing liquor from a cocoa-nut, brab, or date tree, without the same being included in a licence, as specified in Clause First, Section II. of this Regulation, shall be liable to the penalty specified in the succeeding clause.

Penalties incurred by breach of Section II.

Second. The penalty for drawing liquor without a licence, or contrary to its terms, shall be fifty rupees for the first offence, and one hundred rupees each subsequent offence.

specified.

Third. And the above penalties shall be determined and levied according to the rules in Section XIV. Regulation XIX. A.D. 1827.

How determined and levied.

APPENDIX (A).

Appendix (A).

[Insert the name and residence of the party taking out the licence] is hereby authorized to draw liquor { from / thirty / or sixty } { cocoa-nut, brab, / or date } trees during the month (or months) of ———, A.D. ———, and to keep a still or stills for the manufacture of spirituous liquor therefrom, the said trees being situated at

For this licence a tax of ——— is to be paid to the collector of Bombay on the

(Signed)

Dated Collector.

(BRANCH OF CIVIL JUDICATURE.)

Reg. I. 1834.

A.D. 1834. REGULATION I.

[SUPPLEMENT 7TH TO REGULATION XXIX. A.D. 1827.]

A REGULATION *for abolishing the Office of Deputy Agent for Sirdars in the Dekkan, and for rescinding Regulation V. of* 1828, *which defines the Duties and Jurisdiction of that Office:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the* 15*th day of January,* 1834.

Preamble.

WHEREAS it having been determined by government to abolish the office of deputy agent for the adjustment of claims against sirdars in the Dekkan, the following rules have been enacted, to have effect from the date of promulgation.

Regulation V. of 1828 rescinded.

I. Regulation V. of 1828 is hereby rescinded.

Suits hitherto tried by the deputy agent shall be heard and decided by the agent.

Suits and other proceedings in progress before the deputy agent, how to be disposed of.

II. *First.* Suits of the description heretofore tried by the deputy agent shall be heard and decided by the agent.

Second. All suits or other proceedings in progress before the deputy agent are to be made over to the agent, who will proceed with their disposal under the rules provided in Regulation XXIX. of 1827.

Reg. II. 1834.

A.D. 1834. REGULATION II.

A REGULATION *for bringing under the Operation of the Regulations certain Villages which have been ceded to the Honourable Company by Angria Sirkeil in exchange for other Villages:* PASSED *by the Right Honourable the Governor in Council of Bombay, on the* 5*th day of March,* 1834.

Preamble.

WHEREAS by articles of agreement, dated 31st December, 1833, between the Honourable Company on the one part and Angria Sirkeil on the other, certain villages, as hereinafter mentioned, have been made over to the Honourable Company by Angria, in full and perpetual sovereignty, in exchange for other villages, as hereinafter named; and as it is necessary to bring the territory thus ceded to the Honourable Company under the Regulations now in force throughout the Bombay territories, the following rules have therefore been enacted, to have effect from the date of promulgation:

I. It is hereby enacted, that the general Regulations now in force throughout the Bombay territories shall have effect in and over the villages specified in Appendix (A), ceded to the Honourable Company by Angria Sirkeil, in exchange for those ceded by the Honourable Company to Angria Sirkeil, as specified in Appendix (B).

The villages (specified in the Appendix) ceded to the Honourable Company by Angria brought under the operation of the Regulations.

II. It is further declared, that the aforesaid villages received by the Honourable Company are annexed to the zillah of the Konkan.

And annexed to the zillah of the Konkan.

APPENDIX (A).

Appendix (A).

The whole village of Moja Assood, turuf Jalgaum, talooka Severndroog, zillah Rutnagurce.
Half village of Moja Patamsace, turuf Nagotana, talooka Sanksea, zillah Tannah.
Whole village of Moja Khanley, turuf Pen, talooka Sanksea, zillah Tannah.

APPENDIX (B).

Appendix (B).

1. Village of Deeghatoo -	Turuf Ourwullut, talooka Panwell, zillah Tannah.
2. Ditto of Sau - - -	
3. Ditto of Kasarbhat - -	
4. Ditto of Kelwaney - -	
5. Ditto of Poonadey - -	
6. Ditto of Rawey - -	

Names of the Khars.

1. Sau Khar - - -	Turuf Ourwullut, talooka Panwell, zillah Tannah.
2. Sukum Khar - - -	

Names of the Khars—continued.

3. Doobanee Khar - -	Turuf Ourwullut, talooka Panwell, zillah Tannah.
4. Bhungaree Khoord Khar	
5. Tarbund Khar - -	
6. Bhungaree Chakota Khar	
7. Antra Bamda Khar -	
8. Antra Boodrook Khar -	
9. Bhundar Khar - -	
10. Tullay Khar - -	
11. Josu Khar - - -	
12. Rawey Khar - -	

(REVENUE BRANCH.)

A.D. 1834. REGULATION III.

Reg. III. 1834.

[SUPPLEMENT 5TH TO REGULATION XX. OF 1827.]

A REGULATION *for abolishing the existing Town Duty at the Presidency of Bombay, with the Drawback thereof; and for imposing in lieu thereof a fixed Duty on certain Articles:* PASSED *by the Governor-General of India in Council, on the* 11*th day of July,* 1834.

This Regulation, with the exception of the rescinding section, was rescinded by Act II. 1836; but as all the provisions of which the rescission was first effected by this Regulation were subsequently again repealed by Act I. 1838, the whole Regulation is omitted.

(REVENUE BRANCH.)

Reg. IV. 1834.

A.D. 1834. REGULATION IV.

[SUPPLEMENT 6TH TO REGULATION XX. OF 1827.]

A REGULATION *fixing an uniform Rate of Customs to be levied on Cotton-wool throughout the Territories dependent on the Bombay Presidency:* PASSED *by the Governor-General of India in Council, on the* 11*th day of July,* 1834.

[Repealed by Section II. Act I. 1838.]

(REVENUE BRANCH.)

Reg. V. 1834.

A.D. 1834. REGULATION V.

[SUPPLEMENT 7TH TO REGULATION XX. A.D. 1827.]

A REGULATION *for commuting the present Tax upon Metal Ware of Surat into a Tax on Import of the Raw Metals; and also subjecting Piece Goods, the manufacture of China and other Places, to the Local Tax called Bujaj-khana:* PASSED *by the Governor-General of India in Council, on the* 11*th day of July,* 1834.

[Repealed by Act XIX. 1844.]

Reg. VI. 1834

A.D. 1834. REGULATION VI.

[SUPPLEMENT 1ST TO REGULATION III. A.D. 1827.]

A REGULATION *providing for the occasional Adjournment of the Courts of Civil Judicature under the Presidency of Bombay:* PASSED *by the Governor-General of India in Council, on the* 19*th of August,* 1834.

Preamble.

WHEREAS it has been found expedient for the general convenience of courts of civil judicature, as well as of the native officers, establishment,

and suitors attending them, that a continuous period of vacation should be provided for, in addition to the several holidays sanctioned by Section I. Regulation III. A.D. 1827, whenever the same can be done with convenience to the public business;—the following Rules have accordingly been passed, to be in force from the date of promulgation.

The Sudder Dewanny Adawlut empowered to adjourn their own court, and to sanction the adjournment of subordinate courts for a period not exceeding six weeks in each year.

I. In addition to the powers already vested in the Sudder Dewanny Adawlut under Section I. Regulation III. A.D. 1827, the judges of that court, when it shall be satisfied that no inconvenience will attend the same from arrear of business or other cause, are hereby empowered at such time as may be most generally convenient, to adjourn their own court, and permit the civil courts under their jurisdiction to adjourn their respective courts for a period of six weeks in each year.

No adjournment to take place during the visit of the visiting judicial commissioners, nor during the circuit of session judges at the detached stations.

II. Such adjournments shall however in no instance take place in any zillah during the period to which the tour of the judicial commissioners may extend, nor in regard to detached stations during the circuits of the session judges.

Notifications of adjournment to be published in the Government Gazette.

III. Due notifications of all adjournments under this Regulation shall be made by the Sudder Dewanny Adawlut to the judicial secretary to Government, for the purpose of being published in the Government Gazette.

END OF THE REGULATIONS.

ACTS OF THE GOVERNMENT OF INDIA,

IN OPERATION UNDER

THE PRESIDENCY OF BOMBAY.

ACTS OF THE GOVERNMENT OF INDIA,

IN OPERATION UNDER

THE PRESIDENCY OF BOMBAY.

A.D. 1834. ACT II.

PASSED *by the Right Honourable the Governor-General of India in Council on the 20th November*, 1834.

The several secretaries to Government at the three presidencies to have equal powers with the chief secretaries.

BE it enacted, that each of the secretaries to the Government of India and to the Government of Fort William in Bengal, shall be competent to perform all the duties, and to exercise all the powers which by any Act of Parliament, or any Regulation now in force, are assigned to the chief secretary to the Government of Fort William in Bengal, and that each of the secretaries to the Government of Fort St. George and Bombay respectively, shall be competent to perform all the duties, and to exercise all the powers, which, by any Act of Parliament, or any Regulation now in force, are assigned to the chief secretaries to the Governments of Fort St. George and Bombay respectively.

A.D. 1835. ACT X.

PASSED *by the Honourable the Governor-General of India in Council on the 6th July*, 1835.

Government Gazette proof of the Acts of Government.

BE it enacted, that the production of a Government Gazette of any Presidency, containing an Act purporting to have been passed by the Governor-General in Council, shall be held in all courts sufficient proof that such Act has been so passed.

A.D. 1835. ACT XI.

PASSED *by the Honourable the Governor-General of India in Council, on the 3rd August*, 1835.

Repeal of Regulations.

I. BE it enacted, that from the 15th day of September, 1835, the four Regulations hereinafter specified be repealed.

First and *Second* [Bengal].

Third. A Rule, Ordinance, and Regulation, for preventing the mischief arising from the printing and publishing newspapers, and periodical, and other books and papers, by persons unknown, passed by the Honourable the Governor in Council of Bombay, on the 2nd day of March, 1825, and registered in the Honourable the Supreme Court of Judicature at Bombay, under date the 11th May, 1825.

Fourth. A Regulation for restricting the establishment of printing-presses, and the circulation of printed books and papers, passed by the Governor of Bombay in Council, on the 1st January, 1827.

Declaration to be made by the printers and publishers of periodicals containing news.

II. *First*. And be it enacted, that after the said 15th day of September, 1835, no printed periodical work whatever, containing public news, or comments on public news, shall be published within the territories of the East-India Company, except in conformity with the rules hereinafter laid down.

Second. The printer and the publisher of every such periodical work shall appear before the magistrate of the jurisdiction within which such work shall be published, and shall make and subscribe, in duplicate, the following declaration:—

"I, A. B., declare that I am the printer (or publisher, or printer and publisher) of the periodical work entitled , and printed (or published, or printed and published) at ." And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted.

Third. As often as the place of printing or publication is changed, a new declaration shall be necessary.

Fourth. As often as the printer or the publisher, who shall have made such declaration as is aforesaid, shall leave the territories of the East-India Company, a new declaration from a printer or publisher, resident within the said territories, shall be necessary.

Penalty for breach of the foregoing rule.

III. And be it enacted, that whoever shall print or publish any such periodical work, as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction, be punished with fine to an amount not exceeding 5,000 rupees, and imprisonment for a term not exceeding two years.

Declaration how to be authenticated, where

IV. And be it enacted, that each of the two originals of every declara-

tion, so made and subscribed as is aforesaid, shall be authenticated by the signature and official seal of the magistrate before whom the said declaration shall have been made, and one of the said originals shall be deposited among the records of the office of the said magistrate, and the other original shall be deposited among the records of the Supreme Court of Judicature, or other King's court within the jurisdiction of which the said declaration shall have been made; and the officer in charge of each original shall allow any person to inspect that original, on payment of a fee of one rupee, and shall give to any person applying a copy of the said declaration, attested by the seal of the court which has the custody of the original, on payment of a fee of two rupees.

deposited, and how referred to

V. And be it enacted, that in any legal proceeding whatever, as well civil as criminal, the production of a copy of such a declaration as is aforesaid, attested by the seal of some court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence as against the person whose name shall be subscribed to such declaration that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be), of every portion of every periodical work whereof the title shall correspond with the title of the periodical work mentioned in the said declaration.

Copy of declaration to be evidence

VI. Provided always, that any person, who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the printer or publisher of the periodical work mentioned in such declaration may appear before any magistrate, and make and subscribe, in duplicate, the following declaration :—

Declaration of having ceased to publish.

"I, A. B., declare that I have ceased to be the printer (or publisher, or printer and publisher) of the periodical work entitled ."

And each original of the latter declaration shall be authenticated by the signature and seal of the magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration; and the officer in charge of each original of the latter declaration shall allow any person applying to inspect that original, on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the seal of the court having custody of the original, on payment of a fee of two rupees; and in all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration; and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the periodical work therein mentioned.

VII. And be it enacted, that every book or paper printed after the said 15th day of September, 1835, within the territories of the East-India Company, shall have printed legibly on it the name of the printer and of the publisher, and the place of printing and of publication; and whoever shall print or publish any book or paper otherwise than in conformity with

Every printed paper or book to bear the names of the printer and publisher.

Penalty.

this rule, shall, on conviction, be punished by fine to an amount not exceeding 5,000 rupees, and by imprisonment for a term not exceeding two years.

Declaration to be made by a proprietor of a press.

VIII. And be it enacted, that after the said 15th day of September, 1835, no person shall, within the territories of the East-India Company, keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the magistrate of the jurisdiction wherein such press may be; and whoever shall keep in his possession any such press, without making such a declaration, shall, on conviction, be punished by fine to an amount not exceeding 5,000 rupees, and by imprisonment for a term not exceeding two years.

Penalty.

"I, A. B., declare that I have a press for printing at * ."

And this last blank shall be filled up with a true and precise description of the premises where such press may be.

Penalty for declaring falsely.

IX. And be it enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding 5,000 rupees, and imprisonment for a term not exceeding two years.

A.D. 1835. ACT XIII.

PASSED *by the Honourable the Governor-General of India in Council, on the 3rd August,* 1835.

Foujdary Adawlut may order an accused person to be tried in any zillah of the presidency.

BE it enacted, that it shall be competent to the Court of Sudder Foujdary Adawlut for the presidency of Bombay to direct, that any person accused of any offence, and subject to the jurisdiction of the courts of the East-India Company, may be tried in any zillah of the said presidency.

A.D. 1835. ACT XIV.

PASSED *by the Honourable the Governor-General of India in Council, on the 3rd August,* 1835.

Appointment of military officers as magistrates.

Assistant magistrates.

BE it enacted, that it shall henceforth be competent to the Governor of Bombay in Council, by an Order in Council, to appoint any military officer in the service of the East-India Company, a magistrate, or an assistant magistrate, in one or more zillahs, and to confer on any assistant magistrate, by a special order, any of the powers of a magistrate.

A.D. 1835. ACT XVII.

PASSED *by the Honourable the Governor-General of India in Council on the 17th August*, 1835.

Weight, standard, and denomination of silver coins.

I. BE it enacted, that from the 1st day of September, 1835, the undermentioned silver coins only shall be coined at the mints within the territories of the East-India Company: a rupee, to be denominated the Company's rupee; a half-rupee, a quarter-rupee, and a double rupee; and the weight of the said rupee shall be 180 grains troy, and the standard shall be as follows:

See Act XXI 1836.

$\frac{11}{12}$ or 165 grains of pure silver,
$\frac{1}{12}$ or 15 grains of alloy,

and the other coins shall be of proportionate weight and of the same standard.

What impression to bear.

See Act XXXI. 1837.

II. And be it enacted, that these coins shall bear on the obverse the head and the name of the *reigning* sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the coin in English and Persian, and the words "East-India Company" in English, with such embellishment as shall from time to time be ordered by the Governor-General in Council.

What may be legal tender.

III. And be it enacted, that the Company's rupee, half-rupee, and double rupee, shall be a legal tender in satisfaction of all engagements, provided the coin shall not have lost more than two per cent. in weight, and provided it shall not have been clipped, or filed, or have been defaced otherwise than by use.

Relative value of the Company's with other rupees.

IV. And be it enacted, that the said rupee shall be received as equivalent to the Bombay, Madras, Furruckabad, and Sonat rupees, and to fifteen-sixteenths of the Calcutta sicca rupee, and the half and double rupees respectively, shall be received as equivalent to the half and double of the above-mentioned Bombay, Madras, Furruckabad, and Sonat rupees; and to the half and double of fifteen-sixteenths of the Calcutta sicca rupee.

How the quarter-rupee may be legally tendered.

V. And be it enacted, that the Company's quarter-rupee shall be a legal tender only in payment of the fraction of a rupee.

Provisoes.

VI. Provided, that if in any contract for the payment of Calcutta sicca rupees, it shall have been specially stipulated that if payment be made in the territories of the Madras, Bombay, or Agra presidency, it shall be made in the rupees now current in those presidencies respectively, at a different rate from that above provided with reference to the Calcutta sicca rupee, the contract shall be satisfied by payment within those presidencies of Company's rupees of the amount of Furruckabad, Madras, or Bombay rupees so especially stipulated; provided also, that if payment of the

principal or interest of the public debt be made for the convenience of creditors at any public treasury other than as stipulated in the notes and engagement of the Government, it shall be competent to the Government to make such payments at the same exchange as heretofore.

Weight and standard of gold coins.

VII. And be it enacted, that the undermentioned gold coins only shall henceforth be coined at the mints within the territories of the East-India Company.

First. A gold mohur, or 15-rupee piece, of the weight of 180 grains troy, and of the following standard; viz.

$\frac{11}{12}$ or 165 grains of pure gold,
$\frac{1}{12}$ or 15 grains of alloy,

Second. A five-rupee piece, equal to a third of a gold mohur.

Third. A ten-rupee piece, equal to two-thirds of a gold mohur.

Fourth. A 30-rupee piece, or double gold mohur; and the three last-mentioned coins shall be of the same standard with the gold mohur and of proportionate weight.

What impression to bear.

VIII. And be it enacted, that these gold coins shall bear on the obverse the head and name of the *reigning* Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the coin in English and Persian, and the words "East-India Company" in English, with such embellishment as shall from time to time be ordered by the Governor-General in Council, which shall always be different from that of the silver coinage. See Act XXXI. 1837.

Gold coin not a legal tender.

IX. And be it enacted, that no gold coin shall henceforward be a legal tender of payment in any of the territories of the East-India Company.

Powers of the Governor-General in Council as to coinage and mints.

Copper coinage.

X. And be it enacted, that it shall be competent to the Governor-General in Council, in his executive capacity, to direct the coining and issuing of all coins authorized by this Act; to prescribe the devices and inscriptions of the copper coins issued from the mints in the said territories, and to establish, regulate, and abolish mints, any law hitherto in force to the contrary notwithstanding. See Act XXII. 1844.

A.D. 1835. ACT XIX.

PASSED *by the Honourable the Governor-General of India in Council, on the 9th November*, 1835.

Jurisdiction and authority of assistant agent for sirdars.

BE it enacted, that it shall be competent for the Governor in Council of Bombay to appoint the assistant judge of the zillah court of Poonah to be assistant to the agent for sirdars in the Dekkan, and it shall be competent to the agent for sirdars to refer to his assistant original suits against sirdars for amounts not exceeding 5,000 rupees; and in the trial of such suits the

assistant shall follow the same rules which are now applicable to the agent; and every decree of the assistant shall be open to an appeal to the agent within (30) thirty days from the date of the decree; and every decision of the agent on such appeal shall be open to a special appeal under the provisions of Chapter XXII. Regulation IV. of 1827 of the Bombay code, to the Governor in Council, or to the Sudder Adawlut, according as the rank of the sirdar may subject him to the jurisdiction of either authority, provided that such last-mentioned appeal shall be brought within (90) ninety days after the date of the decree of the agent.

See Act III. 1843.

A.D. 1835. ACT XX.

PASSED *by the Honourable the Governor-General of India in Council, on the 23rd November*, 1835.

What police powers may be granted to mahalkarees, &c.

BE it enacted, that it shall be competent to the Governor in Council of Bombay, to invest the mahalkarees or other officers, howsoever designated, exercising the functions of mahalkarees, with police powers within the towns and villages under their charge, to the same extent as are possessed by komavisdars or mamlutdars.

Rules of proceeding

And be it enacted, that the proceedings of the officers invested with police powers under this Regulation, shall be conducted according to the rules prescribed in Chapter V. Regulation XII. of 1827 of the Bombay code; and that the sentences by them awarded shall be carried into effect by the komavisdars or mamlutdars, in all cases where it cannot be executed at the station of the mahalkaree.

A.D. 1835. ACT XXI.

PASSED *by the Honourable the Governor-General of India in Council, on the 7th December*, 1835.

Extended to the other presidencies by Act XXII 1844

Weight of copper coins in Bengal

I. BE it enacted, that from the 20th day of December, 1835, the following copper coins only shall be issued from any mint within the presidency of Bengal:—

1. A pice, weighing - - - - - - 100 grains troy.
2. A double pice - - - - - - 200 —
3. A pie, or one-twelfth of an anna piece - - $33\frac{1}{3}$ —

with such devices as shall be fixed for the same by the Governor-General in Council, according to the provisions of Section X. of Act XVII. of 1835.

Value of copper coins in Bengal.

II. And be it enacted, that from the said 20th day of December, 1835, the said pice shall be legal tender for $\frac{1}{64}$ of the Company's rupee, and the said double pice for $\frac{1}{32}$ of the Company's rupee, and the said pie for $\frac{1}{192}$ of the Company's rupee.

Extended to the other presidencies by Act XXII. 1844.

How copper coins may be legally tendered.

III. Provided always, that after the said 20th day of December, 1835, no copper coin shall in any part of the territories of the East-India Company be legal tender, except for fractions of a rupee.

A.D. 1836. ACT I.

PASSED *by the Honourable the Governor-General of India in Council, on the 4th January*, 1836.

Appropriation of fees levied under Reg. VI. 1831.

BE it enacted, that it shall be lawful for the Governor in Council of Bombay to employ any portion of the fees levied under authority of Regulation VI. of 1831* of the Bombay code, for purposes other than those specified in the said Regulation, anything in the said Regulation to the contrary notwithstanding.

* A Regulation for raising at the ports within the limits of the Gulf of Cambay, funds for the support of a lighthouse upon the Island of Poerim in that gulf.

A.D. 1836. ACT II.

PASSED *by the Honourable the Governor-General of India in Council, on the 11th January*, 1836.

Repeal of Reg. III. 1834.

IT is hereby enacted, that Regulation III. A.D. 1834, of the Bombay code, be rescinded, with the exception of such part of that Regulation as rescinds preceding Regulations.

[Rates of duty and drawback.] *Rescinded by Section II. Act I.* 1838.

A.D. 1836. ACT III.

PASSED *by the Honourable the Governor-General of India in Council, on the 8th February*, 1836.

IT is hereby enacted, that from the 10th day of March, 1836, all duties now levied on the import of cattle into Salsette, whether at the Bunders of the mainland or Salsette, shall be abolished.

Duties on import of cattle at Salsette abolished.

A.D. 1836. ACT VII.

PASSED *by the Right Honourable the Governor-General of India in Council, on the 28th of March*, 1836.

I. IT is hereby enacted, that the legality of acts done and levies made under Regulations [*III. and IV. of* 1817, *and VII. of* 1818, *and IV. of* 1821,* *and*] XIX. XX. and XXI. of 1827, [*and XV. of* 1828,†] and XX. of 1830, [*and II. and XIII. of* 1831‡], and I. and X. of 1833, of the Bombay code, shall not be questioned in any court of law whatever.

Authority of certain Regulations.

II. And it is hereby enacted, that for the future the provisions of Regulations XIX. and XXXII. of 1827 shall constitute the law for the collection of the several taxes therein enumerated, and for all purposes for which they were passed.

See Act XI 1845.

Authority of Regulations XIX. and XXXII. 1827.

* These Regulations were all rescinded by Sec. i. Reg. I. 1827.
† Repealed by Act XXIV 1850.
‡ Repealed by Act I. 1838.

A.D. 1836. ACT IX.

PASSED *by the Right Honourable the Governor-General of India in Council, on the 11th of April*, 1836.

IT is hereby enacted, that the commanding officer of any military station occupied by troops in the service of the East-India Company, out of the territories of the said Company, shall be competent to administer within the limits of such military station any oath which a justice of the peace is competent to administer within the said territories, and that such oath shall, in all respects, be of the same effect as if taken within the said territories before a justice of the peace.

Commanding officers may administer oaths as justices of the peace

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A.D. 1836. ACT XI.

PASSED *by the Right Honourable the Governor-General of India in Council, on the 9th May*, 1836.

Cessation of operation of 53 Geo. III. cap 155, Cl. 107.

I. IT is hereby enacted, that from the 1st day of June, 1836, the 107th clause of an Act of Parliament, passed in the 53rd year of King George III., intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," shall cease to have effect within the territories of the East-India Company.

Place of birth or descent not to exempt from jurisdiction of courts.

II. And it is hereby enacted, that from the said day and within the said territories, no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the courts hereinafter mentioned; that is to say, See Act III 1839.

[*In Bengal and Madras.*]—

Bombay.

The Courts of Sudder Adawlut—of the zillah judges—of the *native judges*—and of the *principal* and *junior native commissioners* in the territories subject to the presidency of Bombay. See Sec. V Act XXIV 1836

A.D. 1836. ACT XVIII.

PASSED *by the Right Honourable the Governor-General of India in Council, on the 5th September*, 1836.

[Tolls at the Bhore Ghaut.] Repealed by Act II. 1837.

A.D. 1836. ACT XXIV.

PASSED *by the Right Honourable the Governor-General of India in Council, on the* 10*th October*, 1836.

I. [*Madras.*]

Introduction of the titles, principal sudder ameen, sudder ameen, and moonsif.

II. And it is hereby enacted, that from the said 1st day of November, 1836, the officers who in the Regulations of the presidency of Bombay are designated as native judges, shall be designated as principal sudder ameens; See Reg XVIII 1831

and the officers who in the said last-mentioned Regulations are designated as principal native commissioners, shall be designated as sudder ameens; and the officers who in the said last-mentioned Regulations are designated as junior native commissioners, shall be designated as moonsiffs.

Removal of disabilities.

III. And it is hereby enacted, that from the said 1st day of November, 1836, no person whatever shall, by reason of birth, or by reason of descent, be incapable of being a principal sudder ameen, sudder ameen, or moonsiff, within the territories subject to the presidencies of Fort St. George and of Bombay.

Amenability of principal sudder ameens, &c. being British-born subjects, or their descendants.

IV. And it is hereby enacted, that every British-born subject of the king, or descendant of such British-born subject, who shall be appointed a principal sudder ameen, sudder ameen, or moonsiff, in the territories subject to the presidency of Fort St. George, or of Bombay, shall, in respect of all acts done by him as such principal sudder ameen, sudder ameen, or moonsiff, be liable to the same proceedings, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

No person exempt from jurisdiction of assistant judges.

V. And it is hereby enacted, that from the said 1st day of November, 1836, no person shall, by reason of place of birth, or by reason of descent, be exempted in any civil proceeding from the jurisdiction of the assistant judges in the territories subject to the presidency of Bombay.

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*A.D. 1836. ACT XXV.

PASSED *by the Right Honourable the Governor-General of India in Council on the* 31*st October*, 1836.

Governments of presidencies to declare warehousing ports.

I. IT is hereby enacted, that it shall be lawful for the Governor, or Governor in Council of any presidency, to declare any port within the territories of such presidency a warehousing port.

Importers may then warehouse.

II. And it is hereby enacted, that it shall be lawful for any person who imports goods into any such warehousing port to lodge such goods in any public warehouse, or in any private warehouse, licensed in the manner hereinafter described.

Making application in form (A) annexed.

Goods first to be assessed for customs duty.

Warehouse-keeper to be answerable for weight or gauge of the custom-

III. And it is hereby enacted, that applications shall be made for the admission of such goods into such warehouses as aforesaid in the Form (A) attached to this Act, and the said form shall be signed by the importer, owner, or consignee; and no goods shall be lodged in any such warehouse until they shall have been assessed for customs duty, according to the rules in force at the place of importation; and the keeper of every such warehouse shall be answerable for the weight or gauge reported by the

* By Act VI. 1848, the duties on trade from port to port were abolished, and by Act VII. of the same year the drawback on such trade was likewise abolished.

house, allowing for wastage.

custom-house officers who shall have assessed the said goods, deducting the wastage hereinafter allowed.

Misdescription of tale goods or packages, to injury of revenue, punishable by fine of ten times the loss.

IV. And it is hereby enacted, that when the goods shall be passed by tale or by package, every omission or misdescription, tending to injure the revenue, shall be an offence punishable with fine, not exceeding ten times the greatest amount of duty which could have been lost to the Government in consequence of such omission or misdescription; and if goods shall have been overstated in quantity or value, the error may be rectified prior to the lodging of the said goods in such warehouse as aforesaid, but not after the said goods have been so lodged.

Error of overstatement may be rectified before, not after entry into warehouse.

Packages to be marked and numbered before reception into warehouse.

V. And it is hereby enacted, that no packages of goods shall be admitted into any public or licensed warehouse unless numbered and marked, in plain and legible characters, with the initials of the owner, importer, or consignee, and with a description of goods contained therein.

When the duty exceeds Rs. 100, bond may be executed for it in form (B).

And goods may then remain in warehouse for 15 months without demand of duty.

Bond to be for twice the duty, and to bear interest from the date of demand.

The obligee to be bound for all duties and charges claimable on the goods, and for all penalties.

VI. And it is hereby enacted, that upon goods warehoused under the provisions of this Act, when the import duty chargeable shall exceed the sum of Rs. 100, the importer or consignee shall be allowed to execute a bond for the amount of duty chargeable in the Form hereunto annexed, marked (B); and when such bond shall have been executed, the goods shall be allowed to remain in warehouse for a period not exceeding fifteen months, without being liable to the demand of import duty thereon. And the bond to be taken under this section shall be for twice the amount of import duty assessed on the goods, and shall stipulate for interest, to be payable from the date of the demand of any sum due on account of the goods, at such rate, not exceeding six per cent., as shall be fixed by the Board or other controlling authority of customs; and the party executing the same shall be bound thereby for the payment of all duties and charges that shall be claimable on account of the goods, and of any penalties that may be incurred for violation of the custom laws in respect of the same.

But collector to have power to proceed against the goods or under the bond, at his option,

and to detain goods and sell after 10 days, if the demand be not paid.

Proceeds of sale to be written off on the bond, and surplus paid over to the owner of the goods.

No transfer to bar this process.

VII. Provided always, that if any owner, importer, or consignee shall omit to pay any duty or penalty that may fall due on account of goods warehoused under this Act, it shall be lawful for the collector of customs, at his option, either to proceed upon the bond, or to cause such portion of the goods warehoused on account of which the duty or penalty may be demanded, as to him may seem fit, to be detained, in satisfaction thereof; and if the demand be not discharged within ten days from the date of such detention (due notice thereof being given to the importer, owner, or consignee), the goods so detained shall be liable to be sold in satisfaction of the demand; and the proceeds of any sale so made of goods detained shall be written off upon the bond in discharge thereof to the amount received, less the charges of the sale; and if there be any surplus obtained from such sale beyond the amount demanded, such surplus shall be paid over to the owner or consignee of the goods; and no transfer or assignment of the goods shall prevent the collector from proceeding against the goods, in the manner above provided, for any demand of customs duties or penalty claimed thereon.

VIII. And it is hereby provided, that if at the end of fifteen months the owner or consignee of goods shall desire to keep them in warehouse for a further period, the Board or other controlling authority of Customs shall be competent to permit him so to keep them for a like further period, not exceeding fifteen months, on the bonds being renewed, by the parties applying for the same.

After 15 months the board may renew the bond for other 15 months.

IX. And it is hereby enacted, that when a vessel, after having cleared from the port, shall return, and the owners, agents, or shippers of the cargo of such vessel, or any part thereof, shall desire to land the same for re-export, such goods shall be admitted to warehouse, and being so declared and registered, re-export may be made thereof under the previous settlement for duty, unless the bottom in which the re-export is made be one on account of which the goods are chargeable with increased duty, in which case the goods shall be chargeable only with the difference; and no bond shall be taken on account of duties for such relanded goods, unless the goods should be liable to duty on being passed through the custom-house for importation.

See Act VI. 1848.

Goods re-landed from a vessel put back may be warehoused without bond and re-shipped under the previous settlement of duties.

Exception.

See Sec. iii. Act VI. and Act VII. 1848.

X. And it is hereby enacted, that upon the re-exportation by sea of goods imported and warehoused under bond for the duty, as provided in this Act, within the period during which such goods are by this Act permitted to continue in warehouse, and upon payment of all reserved duty which may be due on account of such goods, and of any charges or penalties that may have been incurred on account of the goods, the bond executed at the time of lodging the goods in warehouse shall be deemed to have been discharged, and be cancelled accordingly.

Reserved duty on re-export to be chargeable on removal of goods for shipment, and bonds to be cancelled on payment thereof.

XI. And it is hereby enacted, that if any goods lodged in warehouse, in the manner aforesaid, shall be removed or taken from the warehouse otherwise than for exportation by sea, or if the goods be not cleared from the warehouse and exported at the expiration of the time during which such goods are permitted by this Act to remain in warehouse, the collector of customs shall demand the full amount of import duty chargeable thereon, and any charges or penalties that may have been incurred. And if the amount so claimed be not paid within ten days from the date of the demand, the collector of customs shall be entitled to realize the same either by putting the bond in suit, or, at his option, by causing the goods, or any sufficient portion thereof, to be sold in satisfaction of the demand.

On removal otherwise than for re-export, or if not cleared in time, full import duty to be levied, with interest and charges.

And collector may cause goods to be sold in satisfaction, if not paid in 10 days.

XII. And it is hereby enacted, that whenever any goods warehoused and bonded as aforesaid shall be removed from any public or licensed warehouse, the collector of customs shall cause such removal to be noted on the back of the bond; and every note so made shall specify the quantity and description of goods removed, the purposes for which they have been removed, the date of removal, and name of the person removing them, and the number and date of the export pass under which they have been taken away, if removed for exportation by sea; and of the import pass or order, if removed for importation, and the amount of duty paid.

Removal of goods to be noted in the bond, with particulars.

XIII. And it is hereby enacted, that a register shall be kept of all

And the same par-

ticulars to be registered in the register of bonds.

bonds entered into for customs duties on goods warehoused as aforesaid, and entry shall be made in the said register of all particulars prescribed in the preceding section of this Act, as to be noted on the bond; and when the register shall show that the entire quantity of the goods covered by any bond has been withdrawn from warehouse either through importation and the payment of duties, or through re-exportation by sea and payment of the reserved duties upon such re-export, it shall then be competent to, and be the duty of, the collector of customs to cancel the bond as discharged in full, and to deliver it so cancelled to the parties who shall have executed, or who shall be authorized to receive the same.

When registry shows all the bonded goods to have been cleared out, bond to be cancelled, and returned to the obligee.

See Sec. iii. Act VI. and Act VII. 1848.

The custom-house godowns, and other government godowns, to be public warehouses.

XIV. And it is hereby enacted, that the warehouses of the custom-house, together with such other buildings as shall be directed by the Governor in Council, or Governor of the presidency or settlement, shall be public warehouses for the reception of the goods under the provisions of this Act. And every public warehouse shall be under the lock and key of the person whom the Governor, or Governor in Council of the presidency, shall appoint to be keeper of such warehouse; and such keeper shall be responsible for all duties connected with the charge of goods, their reception into, and delivery from, the warehouses.

These to be under the collector's or warehouse-keeper's key.

Board to determine what goods are to be receivable into public warehouse, and the terms and rates of warehouse rent or hire. Table of rates to be exposed conspicuously.

XV. And it is hereby enacted, that the Board, or other controlling authority of customs, shall determine what goods shall be admitted into every public warehouse, in what manner, and on what terms; and shall from time to time fix rates of hire for every public warehouse, or for the custody of goods therein; and a table of the rates so fixed shall be placed in a conspicuous part of every such warehouse.

Owners to have access to their warehoused goods, attended by a custom-house officer, during business hours.

XVI. And it is hereby enacted, that the owners or consignees of goods lodged in a public or licensed warehouse under this Act, or their agents, shall have access to their goods at any time, within the hours of business, in the presence of a custom-house officer, who shall be deputed to accompany them, upon their making application in writing to the collector of customs, or to the warehouse-keeper, for the purpose.

Expenses of carriage, packing, &c. are to be borne by the owners;

and to be realized as customs duties.

XVII. And it is hereby enacted, that the expenses of carriage, packing, and stowage of goods, on their reception into or removal from a warehouse, shall, if paid by the collector or warehouse-keeper, be chargeable on the goods, and be defrayed by the owners or consignees, in like manner as the customs duties, before the goods are removed. And if the goods be lodged in a public warehouse, the owners or consignees shall further pay monthly the rent and warehouse dues on receiving a bill or written demand from the collector or warehouse-keeper for the same; and if the bill for rent or warehouse dues be not discharged within ten days from the date of presentation, the collector of customs shall have power (any private transfer or assignment of the goods notwithstanding) to cause to be sold by public auction such sufficient portion of the goods as he may select in liquidation of his demand. And the owners and consignees of goods shall not be entitled to claim from the collector of customs, or warehouse-keeper, any compensation for any loss that may occur while the goods are passed into or out of the warehouse, or while they remain

Bill for rent to be sent in monthly;

and if not paid in 10 days, goods may be sold in satisfaction.

Collector not answerable for loss by fire or other accident, nor for damage.

therein, unless such loss or injury shall be proved to have been occasioned by the wilful act or neglect of the warehouse-keeper or his officers, or of the officers of customs.

XVIII. And it is hereby enacted, that allowance shall be made for the wastage of goods deposited in warehouses according to the following table, as the rate of wastage for one year, and the import duty shall be settled on the quantities registered at the time of importation, wastage at these rates notwithstanding:

Wastage to be allowed as per table.

TABLE of WASTAGE to be allowed upon Goods when applied to be removed, either from Public or Private Licensed Warehouses.

Description of Goods.	Rate of Wastage.	Description of Goods.	Rate of Wastage.
	Per Cent.		Per Cent.
Alkali	5	Oils, essential and fragrant ...	8
Alums	3	Resin, or Dammer	7½
Aromatic Seeds: Anise ...	3	Sago	4
Aromatic Seeds: Coriander ...	3	Sugar	4
Aromatic Seeds: Cummin ...	3	Saltpetre	4
Aromatic Seeds: Calizerah ...	3	Soap	3
Aromatic Seeds: Cardamums ...	3	Silk	5
Aromatic Seeds: Jowain ...	3	Spices: Cloves	8
Betelnut	7½	Spices: Cinnamon	2
Brimstone...	3	Spices: Cassia	2
Camphor	2	Spices: Mace	3
Coffee	5	Spices: Pepper	6
Copperas, or Green Vitriol ...	5	Spices: Pimento, or Allspice ...	2
Cotton Wool	2	Tobacco, unprepared	5
Dry Ginger	10	Turpentine	8
Gums and Drugs not otherwise specified	3	Tutenague	2
Iron wrought Bars	3	* Wines and spirits in casks; a deduction for ullage of ten per cent. shall be allowed at the time of being received into warehouses.	
Indigo	5		
Kutch, or Terra japonica ...	3		
Lac, lake stick and seed	3		
Long Pepper and Long Pepper Root	3		

* See Act XIII. 1841.

XIX. And it is hereby enacted, that the Board or other controlling authority of customs shall have power to license warehouses belonging to private persons for the reception of goods with duty bonded under the rules of this Act, in like manner as prescribed for public warehouses; and every license so granted to a private warehouse shall be liable to be revoked at pleasure by the Board or other controlling authority of customs, unless otherwise specifically stipulated in the license.

Board may license any private warehouses.

License to be revocable at pleasure, unless otherwise stipulated.

XX. And it is hereby enacted, that applications for licenses for private warehouses shall be drawn up in the form marked (C) annexed to this Act, and shall specify the particulars therein stated, and the situation of the warehouses, and their distances respectively from the custom-house in English yards.

Applications for license for private warehouse to be in form (C), with particulars filled up.

XXI. And it is hereby enacted, that the collector of customs, or other warehouse-keeper, shall have access for himself, or for any officer he may

Collector or warehouse-keeper to have access to all licensed

warehouses for himself and his officers.

Proprietors refusing admittance, subject to penalty of Rs. 1,000, and withdrawal of license.

depute for the purpose, to any private warehouse licensed as above. And if the proprietor thereof shall not open the same when required, or shall refuse to admit the collector or warehouse-keeper, or the officer of either, upon demand made at any time within the hours of business at the port, the proprietor of the warehouse shall be liable to a fine not exceeding Rs. 1,000, and further, to have the license for the warehouse cancelled and withdrawn, and all bonds executed for duty chargeable upon goods therein deposited shall become due and be put in suit for the levy of the duty and other demands of customs, after seven days shall have passed from the date when the collector of customs or warehouse-keeper shall give notice of any license being withdrawn.

Bonds for duty to be put in suit seven days after notice of such penalty or of withdrawal of license.

If goods be found deficient beyond the wastage allowance at time of delivery from warehouse, owner to forfeit ten times the duty on the deficiency.

XXII. And it is hereby enacted, that if goods lodged in a private warehouse shall be found to be deficient at the time of delivery therefrom beyond the allowance for wastage prescribed in the table annexed to Section XVIII. of this Act, the owner or consignee, or other party who may have lodged the goods in the warehouse, shall, unless the deficiency be accounted for to the satisfaction of the collector of customs, forfeit to Government a sum equal to ten times the duty chargeable on the quantity of goods deficient; and if goods be found to exceed the registered quantity, such excess, unless similarly accounted for, shall be charged with ten times the ordinary duty thereon; and when any penalty shall be incurred under this section, the goods shall not be removed until the same is paid.

If found excessive, ten times the duty to be paid on the excess: and goods to be detained till paid.

Collector of customs may issue warrant for breaking packages to search and examine goods. When repacked, to be sealed; and seal not to be broken without sanction of board;

except under application from proprietor, then to be rescaled.

XXIII. And it is hereby enacted, that the collector of customs shall have authority at any time to issue his warrant or written order, and to cause any goods or packages lodged in a public or private warehouse to be opened and weighed, or otherwise examined as he may direct. And after goods shall have been so opened or examined, he shall cause the same to be sealed or marked in such manner as to him may seem fit; and when goods shall have been so sealed or marked (after examination), they shall not be again opened without permission from the Board, or other controlling authority of customs, except when the proprietor or consignee shall apply to have them opened, and in every such case the packages shall be again sealed or marked as before.

Goods to be stamped on reception into or delivery from warehouse.

The stamp not to be removed or effaced without sanction of collector,

under penalty of Rs. 500 on conviction before a magistrate.

But owners may be allowed by the collector to take samples.

XXIV. And it is hereby enacted, that when goods shall be received into warehouse, or shall be removed therefrom, the packages shall be stamped with a conspicuous seal or stamp, containing the words—

"Warehoused and Duty Bonded," or, "Delivered for Exportation," or "Removed for Importation," accordingly as the goods may be received or removed for one or other purpose; and any person who shall remove or efface a stamp or seal affixed by an officer of customs, or who shall change the outer cover of any package so marked, or change the contents thereof while goods are in warehouse, without giving notice and obtaining permission of the collector of customs, shall for every such offence forfeit the sum of Rs. 500 upon conviction before a magistrate or justice of the peace of the place. Provided, however, that the owners and consignees of goods shall be at liberty to take out samples of their goods of such limited quantity as shall be deemed by the collector of customs reasonable and proper.

XXV. And it is hereby enacted, that no goods shall be removed from any warehouse except under application to the collector of customs for the goods to be passed for export or for importation, in like manner as for other goods passed through the custom-house, or for removal to another warehouse, as prescribed in Section XXVIII. of this Act.

Goods not to be removed from warehouse without being passed through the custom-house.

XXVI. And it is hereby enacted, that if any owner or consignee of goods shall in any way break a package for removal of any part of the goods, the entire duty shall be levied for all the goods contained therein.

If a package be broken, duty to be levied on all the goods contained therein.

XXVII. And it is hereby enacted, that applications to remove goods from warehouse shall be made in the form marked (D) hereunto annexed, and twenty-four hours' notice shall ordinarily be given to the collector of customs or warehouse-keeper of the intention to remove goods.

Applications to remove goods to be made in form (D), and 24 hours' notice to be given of removal.

XXVIII. And it is hereby enacted, that owners or consignees of goods warehoused and bonded for duty under this Act, may remove the same from one public or licensed warehouse to any other; and when they shall desire so to remove goods, they shall make application in the form marked (E) hereunto annexed, furnishing the information specified, and filling up the columns left blank in the said form, with all the particulars therein contained.

Goods may be removed from one warehouse to another, application being made in form (E).

XXIX. And it is hereby enacted, that if goods warehoused and bonded for duty shall be destroyed by fire or other accident, no duty shall be chargeable thereon, provided that if they be destroyed in a private warehouse, notice thereof be given to the collector of customs or warehouse-keeper within forty-eight hours of the discovery of the accident; and if goods, when lodged in warehouse, shall receive damage, they shall be assessed for duty according to their actual value, and bond for the same executed for the unexpired term of warehousing.

No duty to be levied on goods destroyed by fire or other accident; and if damaged, duty to be levied on the damaged value.

XXX. And it is hereby enacted, that whenever any person shall be charged with having committed any act or neglect for which he is liable to penalty under this Act, the collector of customs at the port shall be competent to investigate the case, and to adjudge the penalty or to dismiss the complaint, as to him may seem fit: provided, however, that if the collector shall adjudge any penalty to be incurred, such judgment shall not be conclusive until the case shall have been reported to the Board or other superior authority of customs, and the award shall have been confirmed by that authority. And it is further enacted, that the Board or other controlling authority of customs shall have the power of mitigating any penalty that may be incurred on account of warehoused goods, to the extent of reducing the same to a levy of double duty.

Penalties under this Act to be adjudged by the collector of customs, subject to confirmation by the Board or other superior authority of customs.

(A.)

FORM of Application for the Reception of Goods imported by Sea in Warehouses.

To the Collector of Sea Customs at Calcutta.

Sir,

Please to order the reception into the government (or private warehouse of Mr. *A. B.* situate at , and licensed by No. , dated), of the under-mentioned goods, being of the growth or manufacture of (place to be stated), and arrived from (port or place to be mentioned), on the (British or other) ship , whereof is commander, the duty upon which goods has been adjusted in the manner hereafter specified.

Marks and Number of Packages.	Description of Packages and Goods.	Contents of Goods.	Rate of Value of the Goods.	Amount of Value of the Goods as ascertained and entered on the landing of the same.	Rate of Duty, both of Customs and Town Duty.	Date and Number of Importation.	Specification of the Particulars of Bonds, if the Duty upon the Goods has been bonded.
Total ...							

(Date.) (Signed) (By the owner, agent, or consignee of the goods.)

(B.)

FORM of Bond for Import Duty.

Know all men by these presents, that we , now of Calcutta, at Fort William, in the province of Bengal, in the East Indies, and , of the same place, are jointly and severally held and firmly bound unto the East-India Company in the sum of Rs. , to be paid to the said East-India Company, or their certain attorney, agent, successors, or assigns, for which payment, well and truly to be made, we jointly and severally bind ourselves and each of us, and our respective heirs, executors, administrators, and representatives, by these presents; sealed with our respective seals, dated the

day of in the year of Christ ; and the said for themselves and each of them, and their respective heirs and representatives, covenant and agree that, in case of dispute touching the matter of this obligation, or the condition thereof, the same may be heard and determined in the Supreme Court of Judicature at .

Whereas the above bounden . - hath (or have) applied to the collector of sea customs of the said East-India Company at for and have obtained permission to lodge in a certain public (or licensed) godown for a period of fifteen months, subject to the Rules or Regulations of Government, the following goods; that is to say (here a large blank should be left for describing the goods), being of the growth or manufacture of and imported by sea from on board the ship , and entered in the custom-house books as No. of the register of goods imported by sea.

Now the condition of this obligation is such, that, if the above bounden (the principal) his or their heirs, executors, administrators, representatives, or assigns, shall in all things well and truly observe and keep all and singular the rules prescribed in Act No. XXV of 1836 to be observed and kept by the owners, importers, or consignees of goods bonded and warehoused, and by the persons obtaining permission to bond and warehouse goods under the provisions thereof; and if the said (the principal) his (or their, if more than one) heirs, executors, administrators, representatives, or assigns, do and shall well and truly pay or cause to be paid to the collector of customs for the time being for the port, of all such dues, whether of customs or of lawful charges, as shall be due or demandable upon the said goods, or on account of penalties incurred in respect to them, at or before the expiration of fifteen months from the date of these presents, or before, or at the expiration of such further time as the Board of Customs shall allow in that behalf, together with interest thereon, at the rate of per cent. per annum from the date of demand thereof being made by the said collector of customs in writing; and further, if the said goods, after being so warehoused, or any part thereof, shall not, within the term so fixed or to be enlarged, be removed from the said public (or licensed) godowns, or in case the said goods, or any part thereof, shall be removed from the said public (or licensed) warehouse at any time within the said term, either for importation or for exportation by sea; then and in such case, if the full amount of all such duties, charges, and penalties as may be payable or demandable as aforesaid shall have been first paid and satisfied on the whole quantity of the said goods, then this obligation to be void and of no effect; otherwise, and on breach or failure in the performance of the said several conditions, or any of them, the same to be in full force and virtue.

Sealed and delivered, &c.

(C.)

FORM of Application to obtain License for Private Warehouses.

To the Collector of Customs at Calcutta.

Sir,

Please to submit to the Board of Customs (or other controlling authority of customs) my request to be furnished with a license, under Act No. XXV. of 1836, for a warehouse, situate at , and about the distance of yards from the custom-house; the dimensions and other particulars of the godown are stated below, and the same is intended for the reception of all goods as a general storehouse (or as the case may be), the period of license not to exceed (mention the time for which period).

Particulars of Godown.

Length, feet, inches } Dry, airy, well-flued, and puckah-built,
Breadth, ditto, ditto } can contain with perfect safety and convenience about tons of goods.
Height, ditto, ditto }

The same being my own property (or the property of from whom I have engaged the same on a lease of).

(Signed) (By the applicant.)

(D.)

FORM of Application for Removal of Goods from Warehouses.

To the Collector of Government Customs.

Sir,

Please to order to be passed from the government (or private) warehouse (of Messrs. *A. & Co.*, situate at , and licensed under Act No. XXV. of 1836, by No. , dated) the undermentioned goods intended for exportation by sea on the British ship , Captain , bound to (or for internal consumption, or to be consigned to any station in the interior, as the case may be), the same having been entered in the books of your office for the said warehouse, under No. , dated , by me (or by Messrs. *B. & Co.*, whose certificate of the transfer of the goods is herewith annexed).

Marks and Numbers of Cases.	
B. & Co. (Name of the Goods.) No. 1 to 4. □ × ✓ Sealed. " Warehoused for Exportation."	4 Cases of (name of Goods). 1 Case (Box, Bale, or Parcel), containing (here insert the quantity in each case). 1 Ditto. 1 Ditto. 1 Ditto. 4 Cases (Boxes, Bales, or Parcels), containing (total contents to be here stated).

Custom-house value of the above, , rupees , and please to receive the amount of duty bonded for the said goods, by bond

No. , dated , allowing drawback for exportation on British bottom (or as the case may be).

(Signed) (Either by the owner, agent, or consignee of the goods.)

(E.)

FORM of Application for the Removal of Goods from one Warehouse to another, during the period for which the indulgence of Warehousing may have been obtained.

To the Collector of Government Customs at Calcutta.

Sir,

Please to permit the removal of the undermentioned goods from the government (or other licensed) warehouse to (the warehouse into which the removal is intended to be made must here be distinctly described), for the unexpired period of warehousing due on the goods, the same having been originally entered by virtue of Act No. XXV. of 1836, in the books of the warehouse department, under No. , dated , for fifteen months (or such other period as may have been allowed, to be here stated), under all the obligations and conditions at present attached to the goods.

Marks and Numbers of Packages	Description of Package and of Goods.	Contents of Packages.	Rate of Value of Goods.	Amount of Value of Goods as entered in Custom-House Books.	Rate of Duty chargeable or paid upon the Goods.	Name of the Persons by whom Goods first passed into Warehouses.

Note.—If the goods to be removed shall have been sold or transferred by the original proprietor or agent, a certificate of such sale or transfer shall accompany the application.

(Signed) (By the owner, agent, or consignee of the goods.)

A.D. 1836. ACT XXVI.

PASSED *by the Right Honourable the Governor-General of India in Council on the 7th November*, 1836.

Superintendent of police may be appointed to camp of Governor-General, or other high functionaries travelling in the provinces

I. IT is hereby enacted, that as often as the Governor-General of India, or the Commander-in-Chief of all the Forces in India, or the Lieutenant-Governor of the N.W.P. shall pass through any part of the territories of the East-India Company, attended by a camp, it shall be lawful for the Governor-General of India in Council, by an Order in Council, to appoint a superintendent of the police of such camp.

Powers of such superintendent

II. And it is hereby enacted, that with respect to all offences committed in any such camp, or on the line of march between the stations of any such camp, such superintendent shall have concurrent criminal jurisdiction with the magistrate of the zillah or city within which such offence shall have been committed.

Local magistrate to co-operate with superintendent

III. And it is hereby enacted, that as often as the said superintendent shall, by virtue of the powers conferred on him by the preceding clause, commit any person for trial before the sessions court, or sentence any person to imprisonment, it shall be lawful for the said superintendent to transmit such person to the magistrate of the zillah or city where the camp shall then be, with a copy of the commitment or sentence, under the hand of him the said superintendent, and the said magistrate shall give effect to such commitment or sentence.

Police and other officers to aid the superintendent

IV. And it is hereby enacted, that all officers subordinate to the magistrate of the zillah or city where such camp shall be, shall be assisting to the said superintendent in the exercise of the powers conferred on him by this Act, in the same manner as they are bound to be assisting to the said magistrate.

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*A.D. 1836. ACT XXX.

* This Act is extended to Dhaccity by Act XXIV. 1843

PASSED *by the Right Honourable the Governor-General of India in Council on the 14th November*, 1836.

Punishment of thuggee

I. IT is hereby enacted, that whoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of Thugs, either within or without the territories of the East-India Company, shall be punished with imprisonment for life, with hard labour.

What courts may try

II. And it is hereby enacted, that every person accused of the offence made punishable by this Act, may be tried by any court which would have

been competent to try him if his offence had been committed within the zillah where that court sits, anything to the contrary in any Regulation contained notwithstanding.

III. And it is hereby enacted, that no court shall, on a trial of any person accused of the offence made punishable by this Act, require any futwa from any law officer. Futwa dispensed with

See Acts XVIII. 1837, XVIII. 1839, and X. 1847.

A.D. 1837. ACT II.*

PASSED *by the Right Honourable the Governor-General of India in Council, on the 6th February*, 1837.

I. IT is hereby enacted, that from the 1st day of March next, Regulation IX. of 1830, and Regulation XI. of 1831, of the Bombay Code, and Act No. XVIII. of 1836, of the Governor-General of India in Council, be repealed. Rescissions.

II. And it is hereby enacted, that the following rates of toll shall, from the said day, be levied in the Company's currency at the tollgate of the Bhore Ghaut on vehicles and animals, both in going and returning: Rates of toll at the Bhore Ghaut

On every four-wheeled carriage on springs	1 rupee.
On every two-wheeled carriage on springs, except native hackeries	½ rupee.
On every native hackery on springs	2 annas.
On every labour cart and labour hackery, not on springs, and having wheels of less diameter than three feet six inches, and tyers less in breadth than three inches, if drawn by two bullocks	½ rupee.
On every such labour cart and labour hackery drawn by four bullocks	1 rupee.
On every labour cart and labour hackery not on springs, and not having wheels of less diameter than three feet six inches, and tyers less in breadth than three inches, if drawn by two bullocks	1½ anna.
On every such labour cart and labour hackery drawn by four bullocks	3 annas.
On every elephant	½ rupee.
On every camel	¼ rupee.
On every saddle horse and harness horse	1 anna.
On every tattoo	6 pies.
On every score of sheep or goats	2 annas.

* Extended to palanquins and laden bullocks by Act VIII. 1838.

On horned cattle per head	2 pies.
On every begary carrying a load for hire	2 pies.
On every mule not used for riding...	3 pies.
On every mule used for riding	1 anna.
On every ass	1 pie.
On every palna or small native palanquin	¼ rupee.

Appointment of officers to collect tolls: their responsibility.

III. And it is hereby enacted, that it shall be competent to the Governor in Council at Bombay to appoint persons for the collection of the tolls aforesaid, which persons shall, in the execution of such their office, be liable to the same responsibility as would attach to them if they were employed in the collection of the land revenue.

Powers of officers in enforcing payment.

IV. And it is hereby enacted, that it shall be lawful for the persons employed in the collection of the tolls aforesaid, in case of non-payment of the toll on any property, to stop such property, or such part thereof as may be adequate to the discharge of the toll due, and that every police officer, when thereunto required, shall be assisting to the persons employed in the collection of the tolls aforesaid in the discharge of their duties.

Sale of property detained for toll; fines on owners.

V. And it is hereby enacted, that in case any toll due shall remain unpaid for the space of twenty-four hours after such detention of property as is aforesaid, it shall be lawful for such person as the Governor in Council of Bombay shall appoint to act in that behalf, to direct the sale of the property detained, and to reserve out of the proceeds of such sale a sum equivalent to the toll due; and also in cases in which it shall appear to that person that the payment of the toll has been contumaciously refused, to reserve a fine not exceeding five rupees; and that the surplus, if any, shall be repaid to the owners of the property on application.

Power of suing officers for injuries sustained under this Act.

VI. Provided always, that nothing herein contained shall be taken to deprive the owner of any property detained as aforesaid of his right of action in the civil court of the zillah for any injury which may have been done to him under colour of carrying this Act into execution.

Governor in Council may exempt from, or may farm out the tolls.

VII. Provided also, that nothing herein contained shall be held to prevent the Governor in Council of Bombay from granting any exemption from payment of the said tolls, or from granting a farm of the said tolls.

A.D. 1837. ACT IV.

PASSED *by the Right Honourable the Governor-General of India in Council on the* 17*th April*, 1837.

Property in land may be held by any subject of his Majesty.

I. It is hereby enacted, that after the 1st day of May next it shall be lawful for any subject of his Majesty to acquire and hold in perpetuity, or for

any term of years, property in land, or in any emoluments issuing out of land, in any part of the territories of the East-India Company.

II. And it is hereby enacted, that all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by natives of the said territories shall extend to all persons who shall, under the authority of this Act, acquire or hold such property. In like manner as by natives.

A.D. 1837. ACT XI.

PASSED *by the Right Honourable the Governor-General of India in Council, on the 29th May*, 1837.

IT is hereby enacted, that Articles 1 and 2 of Regulation I. of 1820, of the Bombay code, be repealed.* Rescission.

* Regulation I. 1820, was rescinded by Sec. i. Reg. I. 1827, and was not included in the enactments of the old code, which were reserved under that section, or under Sec. i. Reg. XX. 1827.

A.D. 1837. ACT XIII.

PASSED *by the Right Honourable the Governor-General of India in Council, on the 5th June*, 1837.

IT is hereby enacted, that no trial by court-martial which may have been held prior to the passing of this Act at any military station within the territories subject to the government of the presidency of Bombay shall be deemed to have been illegal on the ground that such military station had not been proclaimed in the manner directed by Section IX. Regulation XXII. of 1827 of the Bombay code. Legality of certain courts-martial.

A.D. 1837. ACT XIV.

PASSED *by the Right Honourable the Governor-General of India in Council, on the 12th June*, 1837.

[Reciprocation of duties on goods imported to or exported from foreign stations in Asia or Africa and the East-India Company's territories on foreign bottoms.] *Superseded by Act VI.* 1848.

A.D. 1837. ACT XVII.

PASSED *by the Right Honourable the Governor-General of India in Council, on the 24th July*, 1837.

Rescission.

I. It is hereby enacted, that Regulation XI. of 1830 of the Bombay code shall be repealed.

Right to convey letters to be in Governor-General in Council:

II. And it is hereby enacted, that the exclusive right of conveying letters by post for hire from place to place within the territories of the East-India Company shall be in the Governor-General of India in Council.

See Acts XX. 1838, and XVII. 1839.

Who may license persons to convey letters,

III. Provided always, that it shall be competent to the said Governor-General of India in Council, and to any authority thereunto empowered by the said Governor-General in Council, to grant to any person or persons a license, permitting such person or persons to convey letters by post for hire from place to place within the said territories, and that it shall be lawful for any person or persons having such a license, to convey letters in conformity with the terms of such license.

and revoke such licenses.

IV. And it is hereby enacted, that it shall be lawful for the said Governor-General in Council, and for any authority which may have granted any such license as is described in the preceding section, to revoke such license at pleasure.

No person to convey letters for hire except under such license.

V. And it is hereby enacted, that whoever otherwise than under the authority of the said Governor-General in Council, or in conformity with the terms of such a license as is aforesaid, knowingly conveys any letters by post for hire from place to place within the said territories, or receives any letter or packet of letters, in order to such conveyance, or delivers any letter according to its direction, knowing the same to have been so conveyed, or is accessary to such conveyance, receipt, or delivery, shall be punished with fine not exceeding 50 rupees for every letter so conveyed, received, or delivered.

Penalty.

Rates of postage.

VI. And it is hereby enacted, that inland postage duties shall be levied on the conveyance of letters and packets by the government post, at the rates set forth in the Schedule marked (A) which is annexed to this Act; and that the full postage shall be paid either on receipt, or on delivery, at the option of the sender; and that if the thing conveyed be transferred from a post-office in one presidency to a post-office in another presidency, no additional charge shall be made on account of such transfer.

Modified by Act XVII. 1839.

Where there is a banghy, letters above 12 tolas need not be sent by post.

VII. And it is hereby enacted, that when there is a banghy established on a line of road, no person shall be entitled to demand that any letter or packet exceeding 12 tolas in weight shall be conveyed by the letter-post on that line of road.

VIII. [What may be sent by post where there is no banghy.] *Repealed by Sec. I. Act XX.* 1838.

Restriction in respect of Table 2, Schedule A.

IX. And it is hereby enacted, that no packet of the description mentioned in Table 2 of Schedule (A) shall contain any writing whatever other than writing which is necessarily part of the document which such packet is stated to contain, by attestation on the cover of such packet, and that whoever shall send any such packet by the government post, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 rupees.

Restriction in respect of Table 3, Schedule A.

X. And it is hereby enacted, that no packet of the description mentioned in Table 3 of Schedule (A) shall contain any writing whatever, except the direction on the cover, and that whoever shall send any such packet by the government post, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 rupees.

Rates for proof-sheets.

XI. And it is hereby enacted, that proof-sheets marked as such may be sent by letter-post at the rates set forth in Table 3 of Schedule (A), provided they be brought to the dispatching-office open, and be sealed in presence of the person in charge of such office.

Rates to be fixed according to distance.

XII. And it is hereby enacted, that the said Governor-General in Council shall frame a scale of distances as nearly as practicable according to the distance by the nearest road between post-office stations, and that the rates of inland postage shall be calculated according to this scale.

Rates by Government steamers.

XIII. And it is hereby enacted, that steam-postage, according to such rates as may from time to time be fixed by the Governor-General in Council, shall be levied on all letters and packets sent or received by any Government steamer, and that such steam-postage shall be in excess of any inland postage to which such letters or packets may be liable.

Rates of ship-postage.

Modified by Act XVII. 1839.

XIV. And it is hereby enacted, that ship-postage, according to the rates fixed in Schedule (B) annexed to this Act, shall be levied on all letters or packets sent or received by sea through any government post-office, and not liable to steam-postage.

Commanders of ships to cause all letters not entrusted for separate delivery to be forwarded to the post-office.

XV. And it is hereby enacted, that when any vessel arrives by sea at any place within the said territories, at which there is a government post-office, the commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel which is directed to that place, and which was not specially entrusted for separate delivery, to be delivered either at the post-office, or to some officer of the post-office authorized to receive the same; and that if there be on board any letter or packet directed to any other place, and not specially entrusted for separate delivery, the said commander shall, as speedily as possible, report the same to the postmaster-general, or postmaster of the place at which he has arrived, and shall act according to such directions as he may receive

from such postmaster-general, or postmaster; and that the receipt of such postmaster-general or postmaster shall discharge such commander of all responsibility in respect of such letter or packet.

Penalty for disobedience.

XVI. And it is hereby enacted, that every commander of a vessel who shall wilfully disobey any of the directions contained in the preceding section shall be punished with fine, not exceeding 1,000 rupees.

Payment to commanders of ships by post-office.

XVII. And it is hereby enacted, that for every letter or packet delivered by a commander of a ship, in conformity with the directions of Section XV. of this Act, the officer in charge of the post-office shall pay to the said commander the sum of one anna.

Payment for letters transhipped.

XVIII. And it is hereby enacted, that whenever any letter or packet is transhipped for transmission to any other place within the said territories, the commander of the vessel, which originally brought such letter or packet, shall be entitled to receive one anna for every such letter or packet, and that the commander of the vessel into which the letter or packet is transhipped shall be entitled to receive half an anna from the person in charge of the post-office at the place of delivery, provided that the said last-mentioned commander delivers the same in conformity with the directions contained in Section XV. of this Act.

Proviso.

XIX. Provided always, that no payment shall be made to the commander of any vessel on account of the delivery of any letter or packet, unless the claim of such commander shall be preferred before the vessel leaves the place at which the letter or packet was delivered, or before the expiration of three months from the date of the arrival of the packet at the place of ultimate delivery.

Commanders of ships to carry all letters sent from post-office.

Penalty.

XX. And it is hereby enacted, that the commander of every vessel leaving any place in the said territories by sea, shall receive on board of such his vessel, every letter and packet which he shall be required to receive by any officer of the post-office, and shall sign a receipt for such letters and packets; and that every commander of a vessel who shall wilfully disobey any direction of this clause shall be punished with a fine not exceeding 1,000 rupees.

Postage need not be paid for letters returned unopened.

XXI. And it is hereby enacted, that whenever any letter or packet, the postage of which has not been paid, shall be delivered by any person employed by the post-office, the person to whom it is delivered shall not be bound to pay the postage if he returns the letter or packet unopened; but if he opens the same, he shall be bound to pay the postage due thereon; provided always, that if the letter or packet shall appear to have been maliciously sent for the purpose of annoying the person to whom it is directed, the postmaster-general, or postmaster of the office from which the delivery took place, shall remit the said postage.

Returned letters to be paid for by the sender.

XXII. And it is hereby enacted, that every letter or packet which is rejected unopened by the person to whom it is directed, shall be returned by post to the sender, and that the said sender shall be bound to pay the

return postage thereon, unless direct postage has already been paid thereon.

Returned letters may be opened by officer of post-office.

XXIII. And it is hereby enacted, that whenever any letter or packet, the sender of which is unknown, shall be rejected unopened by the person to whom it is directed, such letter or packet shall be opened by the officer in charge of the post-office from which such letter or packet was delivered to that person.

Post-office may withhold unpaid letters from persons.

XXIV. And it is hereby enacted, that if any person shall refuse to pay any postage which he is legally bound to pay for any letter or packet, it shall be lawful for the officer in charge of the post-office from which such letter or packet was delivered, to withhold from the person so refusing, till such postage be paid, any letter directed to that person upon which postage has not been paid by the sender.

Letters unclaimed for three months to be returned to General Post-office.

XXV. And it is hereby enacted, that all letters and packets which have remained three months unclaimed at any post-office shall be transmitted to the General Post-office of the presidency.

List of unclaimed letters to be published in Gazette.

XXVI. And it is hereby enacted, that at intervals not exceeding three months, lists of all unclaimed letters and packets which are in the General Post-office of any presidency shall be published in the Official Gazette of that presidency.

Disposal of unclaimed letters and the contents.

XXVII. And it is hereby enacted, that every letter and packet which may have remained eighteen months unclaimed in the General Post-office of any presidency, shall be opened by the postmaster-general of that presidency, and that all valuable property which such letter may contain shall be paid into the government treasury for the benefit of any party who may have a right thereto, and that when twelve months shall have elapsed after the opening of such unclaimed letter or packet, it shall be lawful for the said postmaster-general, if such letter or packet still continues to be unclaimed, to destroy the same.

Persons privileged to frank.

XXVIII. And it is hereby enacted, that the privilege of sending and receiving all letters and packets by letter-post free of postage, and of sending and receiving letters and packets by banghy on the public service free of postage, shall be allowed to the persons hereinafter mentioned, viz.:—

His Majesty's Principal Secretaries of State.

President and Secretaries of the Board of Control.

The Chairman, Deputy-Chairman, and Directors of the East-India Company.

Secretary, Deputy-Secretary, and Assistant-Secretary at the East-India House.

The Governor-General.

The Governors of Bengal, Madras, and Bombay.

The Governor of Ceylon.

The Lieutenant-Governor of the North-Western Provinces.

The Chief Justices of Bengal, Madras, and Bombay.

The Bishops of Calcutta, Madras, and Bombay.

The Members of the Supreme Council.

The Members of Council of Madras and Bombay.

The Puisne Judges of the Supreme Courts of Bengal, Madras, and Bombay.

The Recorder of Prince of Wales' Island, Singapore, and Malacca.

The Commander-in-Chief of his Majesty's Naval Forces.

The Commander-in-Chief of the Army in India.

The Commanders-in-Chief of the Army at Madras and Bombay.

And that the letters and packets sent by any of the persons aforesaid shall be franked in such manner as may be directed by the Governor-General of India in Council.

Governor-General in Council may grant privilege to frank.

XXIX. And it is hereby enacted, that it shall be competent to the said Governor-General of India in Council, by an Order in Council, to grant to any person, or body of persons, the privilege of sending or receiving letters or packets either by letter-post, or banghy, free of postage, on such conditions and under such rules as the said Governor-General in Council may direct.

Cases in which postmaster may open suspected letters.

XXX. And it is hereby enacted, that if any postmaster-general, or postmaster, shall suspect that any letter or packet lying for delivery at his post-office contains any contraband article, or any article on which duty is owing to Government, or that any letter or packet lying for delivery at that post-office contains any writing in contravention of the provisions of Sections IX. and X. of this Act, it shall be lawful for such officer to summon the person to whom the letter or packet is directed, to attend at the post-office, by himself or agent, within forty-eight hours after the arrival of the letter or packet at that post-office, and to open the letter or packet in the presence of the person to whom the letter or packet is directed, or of that person's agent; and if that person shall not so attend, by himself or agent, then to open the letter or packet in the absence of that person.

Government and its officers not responsible for loss, unless fraudulently or maliciously caused.

XXXI. And it is hereby enacted, that the Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the post-office for conveyance, and that no person employed by the Government in the post-office department shall be responsible for any such loss or damage unless that person had caused such loss or damage maliciously or fraudulently.

Fines, how to be levied.

XXXII. And it is hereby enacted, that all fines incurred under any of the preceding provisions of this Act may be levied on conviction before any magistrate or justice of the peace, or before any person exercising the powers of a magistrate; provided always, that no person not a postmaster-general, or postmaster, shall be competent to institute any prosecution for any violation of any of the preceding provisions of this Act. See Act II. 1839.

Punishment for fraudulent appropriation of letters.

XXXIII. And it is hereby enacted, that whoever being in the employ of the Government in the post-office department, or being in the employ of any person or persons who may contract with the Government to

convey letters or packets by post for hire, shall fraudulently appropriate any letter or packet which may have been entrusted to him, or anything contained in any such letter or packet, or shall open any such letter or packet, or any banghy-box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment, with or without hard labour, for a term not exceeding seven years, and shall also be liable to fine.

Punishment for fraudulent appropriation of postage.

XXXIV. And it is hereby enacted, that whoever being in such employ as is described in the last section, and being entrusted to receive money for postage duty, shall fraudulently appropriate the same, shall be punished, on conviction before a magistrate, with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

Punishment for frauds in respect of marks on letters

XXXV. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII. shall fraudulently put any wrong mark on any letter or packet, or shall fraudulently alter or cause to disappear any mark which is on any letter or packet, shall be punished, on conviction before a magistrate, with imprisonment with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

Punishment for frauds in preparing, injuring, or secreting documents.

XXXVI. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII., and being entrusted with the preparing or keeping of any document, shall with a fraudulent intention prepare that document incorrectly, or alter that document, or secrete or destroy that document, shall be punished, on conviction before a magistrate, with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

Punishment for fraudulent insertion of letters in wallets.

XXXVII. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII. puts any letter or packet into the wallets of the post-office, intending thereby to defraud the Government of the postage duty on such letter or packet, shall be punished, on conviction before a magistrate, with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

Tola weight equal to one rupee.

XXXVIII. And it is hereby declared, that the tola weight mentioned in this Act is the tola of 180 grains troy, being the standard weight of the Company's rupee.

Date from which Act to have effect

XXXIX. And it is hereby enacted, that this Act shall have effect from the 1st day of October, 1837, and that no postage duty shall be levied under the authority of this Act on any letter which shall be received at any post-office before the said 1st of October, 1837.

SCHEDULE (A) of Postage Duties on Letters, Parcels, Newspapers, &c., and of Banghy Postage.

See Act XX. 1838, and Act XVII. 1839.

1. LETTERS.

MILES.	SINGLE. Not exceeding One Tola.	DOUBLE. Exceeding One Tola, and not exceeding Two Tolas.
	Annas.	*Rupees.*	*Annas.*
20	1	0	2
50	2	0	4
100	3	0	6
150	4	0	8
200	5	0	10
250	6	0	12
300	7	0	14
400	8	1	0
500	9	1	2
600	10	1	4
700	11	1	6
800	12	1	8
900	13	1	10
1,000	14	1	12
1,200	15	1	14
1,400	1 rupee	2	0

And upwards; single postage being added for each additional tola.

2. LAW PAPERS, Accounts, and Vouchers, attested as such, with the full signature of the sender.

MILES.	SINGLE. Not exceeding Three and a half Tolas.	DOUBLE. Exceeding Three and a half Tolas, and not exceeding Six Tolas.
	Annas.	*Rupees.*	*Annas.*
20	1	0	2
50	2	0	4
100	3	0	6
150	4	0	8
200	5	0	10
250	6	0	12
300	7	0	14
400	8	1	0
500	9	1	2
600	10	1	4
700	11	1	6
800	12	1	8
900	13	1	10
1,000	14	1	12
1,200	15	1	14
1,400	1 rupee	2	0

And upwards; single postage being added for every three additional tolas.

3. NEWSPAPERS, PAMPHLETS, and other Printed or Engraved Papers, packed in short covers, open at each end.

DISTANCE.	Newspapers, Pamphlets, &c. printed in India. Weight. Not exceeding Three and a half Tolas.	Exceeding Three and a half Tolas, and not exceeding Six Tolas	Exceeding Six Tolas, and not exceeding Nine Tolas.	Imported Newspapers, Pamphlets, &c. Weight. Not exceeding Six Tolas.	Exceeding Six Tolas, and not exceeding Twelve Tolas.
	Annas.	*Annas.*	*Annas.*	*Annas.*	*Annas.*
Not exceeding 20 miles	1	2	3	1	2
— .. 400 ,, ...	2	4	6	2	4
Above .. 400 ,, ...	3	6	9	3	6
	Single postage being added for every additional three tolas.			Single postage being added for every additional six tolas.	

4. PARCELS sent by the Public Banghy not exceeding 600 Tolas in weight, nor 15 Inches long by 12 deep and 12 broad, or 2,160 cubic Inches in size.

Distance. Not exceeding Miles	WEIGHT. NOT EXCEEDING TOLAS 50.		100.		150.		200.		250.		300.		350.		400.		450.		500.		550.		600.	
	Rs.	*As.*	*Rs.*	*As.*	*Rs.*	*As.*	*Rs.*	*As.*	*Rs.*	*As.*	*Rs.*	*As.*	*Rs.*	*As.*	*Rs.*	*As.*	*Rs.*	*As.*	*Rs.*	*As.*	*Rs.*	*As.*	*Rs.*	*As.*
50	0	6	0	12	1	2	1	8	1	14	2	4	2	10	3	0	3	6	3	12	4	2	4	8
100	0	9	1	2	1	11	2	4	2	13	3	6	3	15	4	8	5	1	5	10	6	3	6	12
150	0	12	1	8	2	4	3	0	3	12	4	8	5	4	6	0	6	12	7	8	8	4	9	0
200	0	15	1	14	2	13	3	12	4	11	5	10	6	9	7	8	8	7	9	6	10	5	11	4
250	1	2	2	4	3	6	4	8	5	10	6	12	7	14	9	0	10	2	11	4	12	6	13	8
300	1	5	2	10	3	15	5	4	6	9	7	14	9	3	10	8	11	13	13	2	14	7	15	12
400	1	8	3	0	4	8	6	0	7	8	9	0	10	8	12	0	13	8	15	0	16	8	18	0
500	1	11	3	6	5	1	6	12	8	7	10	2	11	13	13	8	15	3	16	14	18	9	20	4
600	1	14	3	12	5	10	7	8	9	6	11	4	13	2	15	0	16	14	18	12	20	10	22	8
700	2	1	4	2	6	3	8	4	10	5	12	6	14	7	16	8	18	9	20	10	22	11	24	12
800	2	4	4	8	6	12	9	0	11	4	13	8	15	12	18	0	20	4	22	8	24	12	27	0
900	2	7	4	14	7	5	9	12	12	3	14	10	17	1	19	8	21	15	24	6	26	13	29	4
1,000	2	10	5	4	7	14	10	8	13	2	15	12	18	6	21	0	23	10	25	4	28	14	31	8
1,200	2	13	5	10	8	7	11	4	14	1	16	14	19	11	22	8	25	5	28	2	30	15	33	12
1,400 and upwards	3	0	6	0	9	0	12	0	15	0	18	0	21	0	24	0	27	0	30	0	33	0	36	0

See Act XVII. 1839.

SCHEDULE (A)—*continued.*

5.

BOOKS, PAMPHLETS, Packets of Newspapers, and any written, printed, or engraved Papers, sent by the public Banghy, not exceeding 40 Tolas in weight, and packed in short covers, open at each end.

Not exceeding Miles—	Not exceeding 20 Tolas.	Exceeding 20 Tolas, and not exceeding 40 Tolas.	
	Annas.	*Rupees.*	*Annas.*
100	2	0	4
200	3	0	6
300	4	0	8
400	5	0	10
500	6	0	12
600	7	0	14
700	8	1	0
800	9	1	2
900	10	1	4
1,000	11	1	6
1,100	12	1	8
1,200	13	1	10
1,300	14	1	12
1,400	15	1	14
upwards	1 rupee	2	0

SCHEDULE (B).

SHIP POSTAGE, to be levied in addition to Land Postage, on Letters received or sent by Sea.

Letters.		Newspapers, Pamphlets, and other printed Papers, packed in short covers, open at each end.	Parcels not exceeding 300 Tolas Weight.
Outward.	Inward.		
Not exceeding Three Tolas.	Not exceeding Three Tolas.	Not exceeding Six Tolas Weight.	Not exceeding 100 Tolas Weight.
Annas.	*Annas.*	*Annas.*	*Annas.*
2.	3.	1.	2.
An anna being added for every additional tola.		An anna being added for every additional six tolas weight.	Two annas being added for every additional 100 tolas, up to 300 tolas, beyond which no Parcel will be received.

A.D. 1837. ACT XVIII.

PASSED *by the Right Honourable the Governor-General of India in Council on the 7th August,* 1837.

See Act XVIII. 1839.

Committal and trial of Thugs.

IT is hereby enacted, that any person charged with murder by Thuggee, or with the offence of having belonged to a gang of Thugs, made punishable by Act No. XXX. of 1836, may be committed by any magistrate or joint magistrate within the territories of the East-India Company for trial before any criminal court competent to try such person on such charge.

* The provisions of this Act are extended to Dacoity by Act XXIV. 1843.

A.D. 1837. ACT XIX.

PASSED *by the Right Honourable the Governor-General of India in Council on the 7th August*, 1837.

Convicted persons not incompetent to give evidence.

IT is hereby enacted, that no person shall by reason of any conviction for any offence whatever be incompetent to be a witness in any stage of any cause, civil or criminal, before any court in the territories of the East-India Company.

A.D. 1837. ACT XXI.

PASSED *by the Right Honourable the Governor-General of India in Council on the 25th September*, 1837.

Power of Governor in Council to dispense with oaths.

1. IT is hereby enacted, that from the 1st day of October, 1837, it shall be lawful for the Governor in Council of any presidency of which there is a Council, and for the Governor of any presidency of which there is no Council, to dispense with any oath which by any Regulation of that presidency or by any Act of the Governor-General of India in Council is now required to be taken, and that it shall be lawful for the Lieutenant-Governor of the north-west provinces to dispense with any oath which by any Regulation or any Act of the Governor-General of India in Council now in force within those provinces is now required to be taken. See Act V. 1840.

but not with judicial oaths.

II. Provided always, that the dispensing power given by this Act shall not extend to any oath now required by law to be taken in any stage of any judicial proceeding.

Declaration to be substituted for oath.

III. And it is hereby enacted, that whenever any oath is dispensed with under the authority given by this Act, the person who but for such dispensation would have been legally required to take such oath shall, in the presence of the functionary by whom, but for such dispensation, such oath would have been administered, make and subscribe a declaration in writing to the same effect with such oath.

False declarations to be subject to same punishment as perjury.

IV. And it is hereby enacted, that whoever shall, in any declaration made and subscribed according to the provisions of this Act, knowingly state any untruth, such that if that untruth had been stated on oath, the person stating it would have been guilty of perjury, shall be punished with imprisonment for a term not exceeding one year, or fine, or both.

A.D. 1837. ACT XXVII.

PASSED *by the Honourable the President of the Council of India in Council on the 8th November*, 1837.

I. [Amount of duty on salt.] *Repealed by Section I. Act XVI.* 1844.

See Acts XVI. 1844, and XXXI. 1850.

Notice to be given to collector of intended salt-works.

II. And it is hereby enacted, that from the said day [15th December, 1837] salt shall not be manufactured at any place within the said territories, unless the person conducting the manufacture shall have given notice in writing to the collector of the district in which the place of manufacture may be situated, of his intention to manufacture salt at that place; and every such notice shall contain a true and accurate description of the situation of the works and of the name by which they are known; and if the person giving the notice manufactures salt at more places than one, of the distance at which those places are from each other.

Collector to depute officers to places of manufacture.

III. And it is hereby enacted, that upon receiving such notice as is prescribed in the last preceding section of this Act, the collector of the district shall, by an order under his seal and signature, depute one or more officers, who shall be stationed for such time as the said collector shall direct at every such place of manufacture.

Powers of officers stationed at salt-works.

IV. And it is hereby enacted, that every officer stationed at any salt-works in the manner described in the last preceding section of this Act, shall be entitled to have free passage over all parts of such works at all times, and to take at any time account of the quantity of salt manufactured and stored at such works, and to put on any portion of such salt which may be stored such a mark as may be prescribed by the collector of the district, and to prevent the removal of such salt until the duty thereon has been paid.

Substitute Act XVI. 1844.

Receipts to be given for duty paid.

V. And it is hereby enacted, that whenever the duty due *under this Act* on any portion of salt has been paid to the collector of the district within which such salt was produced, such collector shall deliver to the person who has paid such duty a receipt and order in the form marked (A) annexed to this Act, which receipt and order shall specify the amount of duty paid, and the quantity of salt which the person who has paid that duty is entitled to remove, and the place whence and the person to whom that quantity of salt is to be delivered.

Duties of the officer at the works in respect of the receipts.

VI. And it is hereby enacted, that on the production of such a receipt and order as is described in the last preceding section of this Act to the officer stationed at the salt-works whence the salt to which such receipt and order relates is to be removed, that officer shall fill up the blanks which are marked therein, as intended to be filled up by that officer, and shall tear off and retain that part of the receipt and order which is marked as intended to be torn off, and shall deliver the remaining part of the

receipt and order to the person who removes the salt; and the part of the receipt and order so delivered to the person removing the salt shall be a pass authorizing the removing of that salt.

Government may establish chokees to prevent clandestine removal of salt · powers of officers.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to establish chokees as near as conveniently may be to works where salt is manufactured, and to authorize any of the officers stationed at such chokees to stop and detain any salt which is removed otherwise than in conformity with the foregoing rules, and to search any load which may pass any such chokee, and which may be suspected to contain salt, and to take and cancel every pass under which salt shall be suffered to pass.

Collector may order illicit salt-works to be destroyed.

VIII. And it is hereby enacted, that it shall be lawful for the collector of a district to direct that any salt-works within that district, of which notice shall not have been given in the manner described in Section II. of this Act, shall be destroyed.

Collector may confiscate salt clandestinely removed or stored.

IX. And it is hereby enacted, that it shall be lawful for the collector of a district to direct the confiscation of any salt which may have been removed from any works within that district otherwise than in conformity with the foregoing rules, or which is found clandestinely stored for the purpose of evading the duty imposed by this Act.

Punishment for illicit and fraudulent transactions.

X. And it is hereby enacted, that whoever shall manufacture salt at any works, whereof notice shall not have been given to the collector of the district in the manner required by this Act, or shall remove or aid the removing of any salt from any salt-works, otherwise than in conformity to the provisions of this Act, or shall with a fraudulent intention counterfeit any mark which a collector of a district may have ordered to be put on salt in store, shall be punished with imprisonment for a term not exceeding three months, or fine not exceeding 500 rupees, or both.

Punishment for obstructing officers in the discharge of their duties.

XI. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 rupees, or both.

Punishment of officers receiving considerations for doing or forbearing official acts.

XII. And it is hereby enacted, that whoever being an officer appointed under the authority of this Act, shall accept or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Punishment of officers concerned in defrauding the revenue

XIII. And it is hereby enacted, that whoever being an officer, appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Powers of Governor in Council in respect of

XIV. And it is hereby enacted, that it shall be lawful for the Governor

in Council of Bombay, by an order in Council, to transfer the superintendence of the salt revenue of any district from the collector of that district to any other functionary; and that whenever such a transfer shall take place, all provisions of this Act which apply to such a collector shall be applicable to the functionary to whom the superintendence of the salt revenue has been so transferred. superintendence of the salt revenue.

PERMIT No. 1, of *Zillah Surat*.

(This part to be torn off and retained by the Officer.)

Salt delivered this day and this order cancelled. *A. B.*, Salt-officer. 1838.

CERTIFIED that the sum of Rupees 250 on account of Government duty on 500 maunds of salt, has been paid at the office of for the district of on this day, the of in the year . The salt is to be delivered by at the works in Pergunna on or before the 20th instant.

The Government officer at those works, Lala Munsa Ram, is to allow the same to be delivered, provided this order is presented on or before the said 20th day of December, in the year 1838.

Maunds 500.

A. B., Collector.

10th December, 1838.

(Tear off here.)

To be torn off and delivered to the Banjaree.

PASSED this 20th December, 1838, from salt-works belonging to , maunds of salt 500, to be carried away on Banjaree bullocks (here enter number). This pass will protect the despatch to Doodea until sunset of the 21st December.

A.D. 1837. ACT XXXI.

PASSED *by the Honourable the President of the Council of India in Council on the 20th November*, 1837.

Rec Act XXI. 1838.

Operation of part of Act XVII. 1835, suspended.

I. IT is hereby enacted, that so much of Act No. XVII. of 1835, as directs that certain coins issued from the mints within the territories of the East-India Company, shall bear on the obverse the head of the reigning sovereign of the United Kingdom of Great Britain and Ireland,

shall be suspended, till the Governor-General of India in Council shall, by an Order in Council, declare those parts of the said Act to be again in force.

What stamp coins shall bear.

II. And it is hereby enacted, that till the said Governor-General in Council shall make such an Order in Council as is aforesaid, the said coins shall bear on their obverse the head of his late Majesty, William the Fourth.

A.D. 1837. ACT XXXII.

PASSED *by the Honourable the President of the Council of India in Council on the* 20*th November*, 1837.

[Emigration.] *Repealed by Act XIV.* 1839.

A.D. 1837. ACT XXXVII.

PASSED *by the Honourable the President of the Council of India in Council on the* 20*th November*, 1837.

Repeal.

I. IT is hereby enacted, that from the 1st day of January, 1838, so much of Section XXVI. Regulation XIII. 1827, of the Bombay code, as requires that the special courts for the trial of persons charged with offences of a political nature shall forward their proceedings to the Governor in Council, be repealed; *and those courts shall, from the said 1st day of January*, 1838, *forward their proceedings to the Foujdary Adawlut.*

II. [Proceedings of Foujdary Adawlut.] *Superseded by Act V.* 1841.

A.D. 1838. ACT I.

PASSED *by the Honourable the President of the Council of India in Council on the 3rd January*, 1838.

Rescissions.

I. IT is hereby enacted, that from the 1st February, 1838, all Regulations of the Bombay code passed before the year 1827, and now in force, with the exception of Sections I. II. and III. Regulation VI. 1799, and of Clause Second, Section VII. Regulation IX. 1800, and of Sections XIV. XVII. XX. XXI. and XXV. Regulation I. of 1805, and of the whole of Regulations II. 1810, and VI. 1814, shall be repealed.

Rescissions: abolition of transit duties, &c.

II. And it is hereby enacted, that Chapters I. II. IV. VI. VIII. and IX. of Regulation XX. 1827, of the said code, together with the Appendices

A, B, C, E, H, I, J, K of that Regulation, also Regulation II. 1831, Regulation XIII. 1831, Regulation I. 1832, Regulation IV. of 1833, and Regulation IV. 1834, of the said code, and all such parts of any Regulations of the said code as prescribe the levy of transit or inland customs duties, or as require the payment of any fee whatever on account of any vessel which may enter any port in the territories subject to the Bombay presidency, and likewise the provisions of any kind contained in those or in any other Regulations, for fixing the amount of duty to be levied on goods imported or exported by sea at any place within the limits of the Bombay presidency, or the drawback payable on the same, shall be repealed: and it is further enacted, that Act II. of 1836 shall likewise be repealed, except in so far as it repeals any Regulation of the Bombay code.

Reservation of town duties, tolls, &c.

See Act XIX. 1844.

III. Provided always, that nothing contained in the two preceding Sections of this Act shall be construed to prevent the levy of any *town duty*, or of any municipal tax, or of any toll on any bridge, road, canal, or causeway, for repair and maintenance of the same, or of any fee for the erection and maintenance of lighthouses.

Import duties to be at the rates specified in Schedule A.

IV.* And it is hereby enacted, that duties of customs shall be levied on goods imported by sea into any place in the territories subordinate to the Government of the presidency of Bombay, after the said 1st February next, according to the rates specified in Schedule (A) annexed to this Act, and with the exceptions specified therein, and the said schedule with the notes attached thereto shall be taken to be a part of this Act.

Export duties to be at the rates specified in Schedule B.

V.* And it is hereby further enacted, that duties of customs shall be levied upon country goods exported by sea from any ports of the Bombay presidency after the said 1st February next, according to the rates specified in Schedule (B) annexed to this Act, with the exceptions therein specified, and the said schedule with the notes attached thereto shall also be taken to be a part of this Act.

Privileges at port of Surat.

VI. Provided, however, that the ships of any European nation having firman privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their firmans respectively, anything in the schedules or in this Act notwithstanding.

Duties on goods imported or exported by land.

VII. And it is hereby enacted, that duties of customs shall be levied on goods passing by land into or out of foreign European settlements situated on the line of coast within the limits of the presidency of Bombay, at the rates prescribed in the schedules of this Act for goods imported or exported on foreign bottoms at any British port in that presidency.

* By Act VI. 1848, the difference in the rates of duty on goods imported or exported on British and foreign bottoms is abolished; the second column of Schedules A and B therefore is inoperative in respect of foreign ships, but is retained here in consequence of the references in Sections viii. and xvii. of this Act. The rates of duty specified in the Schedule were altered in many respects by Act IX. 1845; in respect of salt, by Act XVI. 1844; and in respect of tobacco by Act XXIV. 1840, such portions as are repealed by these enactments are printed in italics. Act V. 1849, provides that all duties declared leviable on any given quantity are also leviable on greater or less quantities than that specified.

Gover or in Council may declare what territories are to be deemed foreign.

VIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay to declare, by notice to be published in the Gazette of that presidency, that the territory of any native chief, not subject to the jurisdiction of the courts and civil authorities of that presidency, shall be deemed to be foreign territory, and to declare goods passing into or out of such territory liable either to the duty fixed for British or for foreign bottoms, as the said Governor in Council may think fit.

Modified by Act VI. 1848.

Establishment of custom chokees on frontier.

IX. And it is hereby enacted, that for the levy of duties of customs as above provided on goods exported by land to, or imported by land from such foreign territories, customs chokees may be established at such places as may be determined by the said Governor in Council, and every officer at every such chokee shall have power to detain goods passing into or out of any such foreign territory, and to examine and ascertain the quantities and kinds thereof; and such goods shall not be allowed to pass across the frontier line out of or into the territory of the East-India Company, until the owner or person in charge thereof shall produce and deliver a certificate showing that the customs duty leviable thereupon has been paid in full.

Goods not to pass without certificate.

Appointment of officers to collect duties and grant certificates.

X. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit to receive money on account of customs duties, and grant certificates of the payment thereof, and that such a certificate being delivered to any chokee officer, shall entitle goods to cross the frontier into or out of the East-India Company's territories, provided that the goods correspond in description with the specification thereof contained in such certificate, and that the certificate show the entire amount of duty leviable on those goods to have been duly paid; and if upon examination the goods brought to any chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate; and if the payment of duty certified therein shall not cover the entire amount of duty leviable on the goods as ascertained at such examination, the goods shall be detained until a further certificate for the difference shall be produced.

Proceedings if goods differ from certificate.

Announcement of the appointment of officers in the Gazette.

XI. And it is hereby enacted, that the said Governor in Council shall give public notice in the official Gazette of the presidency of Bombay of the appointment of every officer appointed to receive customs duties on goods crossing the land frontier of the said foreign territories; and the officers so appointed shall, on receipt of money tendered as customs duty, be bound to give to any merchant, or other person applying for the same, a certificate of payment, and to enter therein the specification of goods, with the values and description thereof, according to the statement furnished by the person so applying; provided only, that the proper duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

Officers to grant certificates on payment of duties.

Certificate not to remain in force more

XII. And it is hereby enacted, that no certificate shall be received at any chokee that shall bear date more than thirty days before the date when the

goods arrive at the chokee: provided, however, that any person who has taken out a certificate from any authorized receiver of customs duties shall at any time within the said period of thirty days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate, with a fresh date, without further payment of duty.

than 30 days; renewal of certificate.

XIII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe, by public notice in the official Gazette of the presidency of Bombay, by what routes goods shall be allowed to pass into or out of any such foreign territory, as is described in Sections VII. and VIII. of this Act; and after such notice shall be given, goods which may be brought to any chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate; be sent back, and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the collector of customs, unless the person in charge thereof shall be able to satisfy the said collector that his carrying them by that route was from ignorance or accident.

Government to prescribe the routes by which goods are to cross the frontier.

Liability of goods to detention and confiscation if conveyed by wrong route.

XIV. And it is hereby enacted, that goods which may be passed, or which an attempt may be made to pass, across any frontier guarded by chokees between sunset and sunrise, or in a clandestine manner, shall be seized and confiscated.

Confiscation of goods attempted to be passed clandestinely.

XV. And it is hereby enacted, that any chokee officer who shall permit goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit goods to pass by any prohibited route, shall be liable, on conviction before the collector of customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding Rs. 500, commutable, if not paid, to imprisonment for a further period of six months.

Punishment of officers for allowing goods to pass with an insufficient certificate, or by prohibited route.

XVI. And it is hereby enacted, that if any chokee officer shall needlessly and vexatiously injure goods under the pretence of examination, or in the course of his examination, or who shall wrongfully detain goods for which there shall be produced a sufficient certificate, such officer shall, on conviction before the collector of customs, or before any magistrate, or joint magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding Rs. 500, commutable, if not paid, to imprisonment for a further period of six months.

Punishment for needless injury or detention of goods.

Modified by Act VI. 1848.

XVII. And it is hereby enacted, that all goods imported by sea into any port of the presidency of Bombay from any foreign European settlement in India, or from any native state, the inland trade of which has been declared by the Governor in Council of the presidency of Bombay, under Section VIII. of this Regulation, to be subject to the duties levied on foreign bottoms, shall be liable to the same duties as are imposed by Schedule (A) on imports on foreign bottoms.

Duties on goods from foreign European settlements or native states.

XVIII. And it is hereby enacted, that no goods whatsoever, entered in either of the schedules of this Act as liable to duty, shall be exempted from the payment of such duty, or of any part thereof, except under

Goods liable to duty not to be passed free without special orders of Government, except baggage in actual use.

special order from the Governor in Council of the presidency of Bombay; provided always, that it shall and may be lawful for the collector of customs, or other officer in charge of a custom-house, to pass free of duty any baggage in actual use, at his discretion; and if any person shall apply to have goods passed as such baggage, the collector, acting under the orders of the Government, shall determine whether they be baggage in actual use, or goods subject to duty under the provisions of this Act.

Admission of goods on which duty has been paid at another port in Bombay presidency,

XIX. Provided always, that when goods are imported at any port of the Bombay presidency from any other port in that presidency, under certificate that the export duty specified in Schedule (B) has been duly paid thereon, or that there has been a re-export, and that the import duty specified in Schedule (A) has been duly paid, the said goods shall be admitted to free entry. See Act VI. 1848.

or at any British port not in Bombay presidency.

XX. Provided also, that when duties of customs shall have been paid on any goods at any port in any part of the territories of the East-India Company not subject to the presidency of Bombay, and when such goods shall subsequently be imported at any port of the presidency of Bombay, credit shall be given at such last-mentioned port for the sum that may be proved by the production of due certificates to have been so paid. See Act VI. 1848.

Government to notify in the Gazette the value of goods liable to ad valorem duties.

XXI. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay, from time to time, by notice in the official Gazette of that presidency, to fix a value for any article or number of articles liable to ad valorem duty; and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles, for the purpose of levying duty on the same.

When no value has been officially declared, duty to be levied at market value.

XXII. And it is hereby enacted, that when goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the schedules annexed to this Act, are brought to any custom-house in the presidency of Bombay, for the purpose of being passed for importation or exportation, the duty leviable on such goods shall be levied ad valorem, that is to say, according to the market value of such goods at the place and time of importation or exportation, as the case may be.

Market value, how to be declared: what the declaration is to contain.

XXIII. And it is hereby enacted, that the market value for assessment of duties on ad valorem goods shall be declared by the owner, consignee, or exporter, or by the agent or factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the goods through the custom-house; and the value so declared shall include the packages or materials in which the goods are contained; and the application shall truly set forth the name of the ship in which the goods have been imported, or are to be exported; the name of the master of the said ship; the colours under which the said ship sails; the number, description, marks, and contents of the packages; and the country in which the goods were produced.

Declared value to be approved by appraising

XXIV. And it is hereby enacted, that every such declaration, when

duly signed, shall be submitted to the officer of customs appointed to appraise goods at the custom-house; and if it shall appear to him that the same is correct, he shall countersign it as admitted; but if any part or the whole of the goods shall seem to him to be undervalued in such declaration, he shall report the same to the collector of customs, who shall have power to take the goods or any part thereof as purchased for the Government at the price so declared; and whenever the collector of customs shall so take goods for the Government, payment thereof shall be made to the consignee or importer, if the goods be imported goods, within fifteen days from the date of the declaration, the amount of import duty leviable thereon being first deducted, and if the goods be intended for exportation, the entire value as declared shall be paid without deduction on account of customs duty.

officer. Government may purchase undervalued goods at declared price. — Payment.

XXV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay to declare, by public notice in the official Gazette of that presidency, what places within the same shall be ports for the landing and shipment of merchandize, and any goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

Government may declare what places are to be ports for landing and shipment: goods landed at other ports may be seized.

XXVI. And it is hereby enacted, that when any vessel shall arrive in any port of the presidency of Bombay, the master shall deliver a true manifest of the cargo on board, made out according to the form annexed to this Act and marked (C), to the first person duly empowered to receive such manifest that may come on board; and if no such person shall have come on board before the anchor of the said vessel is dropped, then the manifest shall be forwarded to land on board of the first boat that leaves the vessel after dropping anchor; and if the port be up a river, or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an order published in the official Gazette of the presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward-bound vessel, except such country craft as are described in Sections LI. and LII. of this Act, to pass until the master shall have forwarded, in such manner as may be ordered by the said Governor in Council, such a manifest as is required by this Act.

Manifest of cargo to be delivered on arrival of vessels.

Bounds which vessels may not pass before delivery of manifest.

XXVII. And it is hereby enacted, that if the manifest so delivered by the master shall not contain a full and true specification of all the goods imported in the vessel, the said master shall be liable to a fine of Rs. 1,000, and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized by any customs officer and confiscated, or to be charged with such increased duties as may be determined by the collector of customs under the orders of Government.

Penalty for false manifest: seizure of goods in excess.

XXVIII. And it is hereby enacted, that if any inward-bound vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of manifests, the master shall deliver a manifest, as hereinbefore prescribed, to the first person duly

Manifest to be delivered on demand, although vessel may remain beyond the bounds.—Penalty.

empowered to receive such manifest that may come on board; and if any vessel entering a port for which there is a custom-house established shall lie at anchor therein for the space of twenty-four hours, the master whereof shall refuse to deliver the said manifest in the manner above prescribed, he shall for such refusal be liable to fine not exceeding Rs. 1,000; and no entry or port clearance shall be given for such vessel until the fine is paid.

No vessel to break bulk before papers have been examined, or orders given by collector.

XXIX. And it is hereby enacted, that no vessel shall be allowed to break bulk until a manifest as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the collector of customs, shall have been received by the said collector, nor until order shall have been given by the said collector for the discharge of the cargo; and that the said collector may further refuse to give such order, if he shall see fit, until any port clearances, cockets, or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

Seizure of goods attempted to be passed without entry at custom-house.

XXX. And it is hereby enacted, that no goods shall be allowed to leave any vessel, or to be put on board thereof, until entry of the vessel shall have been duly made in the custom-house of the port, and until orders shall have been given for discharge of the cargo thereof as above provided; and it shall be the duty of every customs officer to seize as contraband any goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the above provision. And after entry of the vessel at the custom-house in due form, such part of the cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by Order of the Governor in Council of the presidency of Bombay; and if an attempt be made to land or put on board goods or merchandize in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

Goods to be landed after entry, unless declared for re-exportation.

Penalty for deficiency in goods, and for landing goods at improper places.

XXXI. And it is hereby enacted, that if goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the custom-house, or at such other place as the collector of customs shall have prescribed, the master shall be liable to a penalty not exceeding Rs. 500 for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained. Provided, however, that nothing herein contained shall be construed to prevent the collector of customs from permitting at his discretion the master of any vessel to amend obvious errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest.

Amendment of obvious errors in manifests.

Places for landing and shipment.

XXXII. And it is hereby enacted, that there shall in every port of the

Bombay presidency be one or more places appointed for the landing and shipment of goods, and goods shall not be landed at any other place without the special order in writing of the collector of customs for the port; and if any goods be landed, or an attempt be made to land any goods at any other than the said authorized places, without such order, they shall be seized and confiscated.

goods landed at other places without special order, to be seized.

XXXIII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of customs at any port, to maintain special establishments of boats for the landing and shipping of merchandize, or to license and register the cargo-boats plying in any ports, then, after due notification thereof, it shall not be lawful for any person to convey goods to or from any vessel in such port, otherwise than in the boats so authorized and prescribed, except under special permit from the collector of customs at the port; and any goods that may be found on board of other boats than those so authorized for the port shall be liable to be seized by any officer of customs, and shall be liable to confiscation.

Government may license and register boats for landing or shipping merchandize, and such boats only to be employed.

XXXIV. And it is hereby enacted, that when the Governor in Council of the presidency of Bombay shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the collector of customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port by night and by day, until the vessel shall leave the port, or it shall be otherwise ordered by the collector.

At certain ports, collector may station an officer on board a vessel.

XXXV. And it is hereby enacted, that any master of such vessel at such port who shall refuse to receive such officer with one servant on board, when such officer shall be so deputed as above provided, or shall not afford such officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water, if necessary, and with the means of cooking on board, shall be liable to fine not exceeding the sum of Rs. 100 for each day during which such officer and servant shall not be received and provided with suitable shelter and accommodation.

Penalty for refusing to receive or properly accommodates custom-house officer.

XXXVI. And it is hereby enacted, that whenever a collector of customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for such search, addressed to any officer under his authority, and upon production of such order, the officer bearing it shall be competent to require any cabins, lockers, or bulk-heads to be opened in his presence, and if they be not opened upon his requisition, to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the collector of customs, shall be liable to confiscation, and any master or person in charge of a vessel, who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the collector of customs, shall be liable, upon conviction for every such offence, to a fine of Rs. 1,000.

Issue of warrant to search vessels: powers of searching officers.

Seizure of concealed goods, and penalties for resistance.

Penalty for removing goods at night, or when custom-house is closed.

XXXVII. And it is hereby enacted, that every master of a vessel who shall remove from such vessel, or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof, between sunset and sunrise, or on any day when the custom-house is closed for business, without leave in writing obtained from the collector of customs, shall be punished with a fine not exceeding Rs. 500.

Laden cargo-boats not to lie alongside a vessel on which an officer is stationed without a permit; seizure of goods without permits.

XXXVIII. And it is hereby enacted, that no cargo-boat laden with goods intended for exportation by sea shall make fast to, or lie alongside of, any vessel on board of which there shall be a customs officer stationed, unless there shall be on board the boat, or have been received by the said customs officer, a custom-house permit or order for the shipment of the goods; and the goods on board of any boat that may so be alongside, or be made fast to a vessel, if such goods be not covered by a custom-house pass accompanying them, or previously received by the customs officer on board the said vessel, shall be liable to confiscation.

A note of cargo to be sent with each boat-load of goods from ships.

XXXIX. And it is hereby enacted, that when goods shall be sent from on board of any vessel having a customs officer on board, for the purpose of being landed and passed for importation, there shall be sent with each boat-load or other separate despatch, a boat note specifying the number of packages, and the marks and numbers, or other description thereof, and such boat note shall be signed by an officer of the vessel, and likewise by the customs' officers on board; and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, or if being accompanied by a boat note, they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any officer of customs duly authorized by the collector, and unless the cause of deviation be explained to the satisfaction of the collector of customs, the goods shall be liable to confiscation.

Seizure of goods not covered by note, and of boats found out of proper track.

Confiscation of mis-described or concealed goods.

XL. And it is hereby enacted, that when goods shall be brought to be passed through the custom-house, either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the custom-house, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages, with the whole of the goods contained therein, shall be liable to confiscation.

Confiscation of goods attempted to be fraudulently removed.

XLI. And it is hereby enacted, that if any person, after goods have been landed, and before they have been passed through the custom-house, removes or attempts to remove them, with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved to the satisfaction of the collector of customs that the removal was not sanctioned by the owner, or by any person having an interest in or power over the goods.

Collector may require that goods in bulk

XLII. And it is hereby enacted, that it shall be lawful for the collector of customs, whenever he shall see fit, to require that goods brought by sea

and stowed in bulk, shall be weighed or measured on board ship before being sent to land, and to levy duty according to the result of such weighing or measurement.

shall be weighed or measured.

XLIII. [Certificate of payment of duty on salt for exportation.] *Repealed by Section III., and see Section IV. Act XVI.* 1844.

XLIV. And it is hereby enacted, that when a customs officer shall be sent on board of any vessel to superintend the delivery of cargo, twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding 600 tons burthen; and thirty days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day when the customs officer first went on board: and if the whole cargo be not discharged by the expiration of the above-mentioned periods, the master shall be charged with the wages of such officer, and other expenses, for any further period that such officer may be detained on board; and if the owners, importers, or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master so to do.

Limitation of period for discharge of cargo when an officer is on board.

XLV. And it is hereby enacted, that when there shall be no customs officer sent aboard vessels discharging cargo, it shall be lawful for the collector of customs to fix a period, not being less than twenty days, for the discharge thereof, and clearance of the vessel inwards; and if any goods remain on board after the time so fixed, or after the time allowed in the last preceding section of this Act, the collector may order the same to be landed and warehoused, for the security of the duties chargeable thereon, and of any freight and primage, and other demands, that may be due thereon, giving his receipt to the master for the same: provided always, that in all cases it shall be lawful for the collector or other officer in charge of the custom-house, with the consent of the master of the vessel, to cause any packages to be brought on shore, and to be deposited in the government warehouses, for the security of the duties and charges thereon, although twenty days may not have expired from the entry of such vessel; and in case any goods brought to land from any vessel be not claimed, and cleared from the custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the same, on account of the duties and other charges due thereon; and the balance remaining, after deducting the said duties and charges, shall be held in deposit, and paid to the owner on application.

Limitation of period for discharge of cargo when there is no officer on board.

Collector may cause goods to be landed and kept in bond: such goods to be cleared within three months.

XLVI. And it is hereby enacted, that when a customs officer shall be sent on board of any vessel discharging cargo, a further period of fifteen days, Sundays and holidays excluded, beyond the twenty days above specified, shall be allowed for putting on board export cargo, if the vessel shall not exceed 600 tons burthen, and twenty days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the master or commander shall, in such case, not be charged with the wages and expenses of the customs officer on board until after the

Limitation of period for lading vessels.

expiration of such additional period; and if a vessel having discharged its import cargo shall be laid up, the customs officer on board shall certify that no goods remain on board, except necessary stores and articles for use; and when a vessel so laid up shall be entered at the custom-house for receipt of export cargo, a customs officer shall be sent on board, and if the said last-mentioned officer shall certify that no goods are on board, except as above excepted, twenty days, exclusive of Sundays and holidays, as above, shall be allowed from the date of such certificate, for the lading outwards of a vessel not exceeding 600 tons, and thirty days for vessels exceeding that burthen; after which periods respectively, the master shall be charged with the wages and expenses of the customs officer on board, to the date of the vessel's sailing from the port.

Penalty for shipping goods when no officer is on board.

XLVII. And it is hereby enacted, that when, upon application from the master of any vessel, the customs officer shall be removed from on board thereof, under the provisions to that effect contained in the last preceding section of this Act, if the master of such vessel shall, before a customs officer has again been placed in such vessel, put on board of such vessel, or cause, or suffer to be put on board of such vessel, any goods whatever, such master shall be punished with a fine not exceeding Rs. 1,000, and the goods shall be liable to be re-landed for examination at the expense of the shippers, upon requisition to that effect from the collector of customs.

Extra duties to be levied on goods shipped after port-clearance has been taken out.

XLVIII. And it is hereby enacted, that upon any goods liable to duty that may be passed through the custom-house for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed duty shall in all cases be levied; and if the goods be free, or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon; or if the same be imported goods entitled to drawback, the drawback shall be forfeited; but no separate duty shall be levied on drawback goods.

Removal of cargo, when a vessel puts back to repair damages, or for other cause.

XLIX. And it is hereby enacted, that when a vessel having cleared out from any port, shall put back from stress of weather, or it shall for any damage, or from other cause, be necessary that the cargo of a vessel that has cleared out shall be unshipped or relanded, a customs officer shall be sent to watch the vessel, and take charge of the cargo during such relanding or removal from on board, and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the collector of customs, and shall remain while on land, or while on board of any other vessel, under special charge of the officers of customs until the time of re-export; and all charges attending such custody shall be borne by the exporter: provided, however, that in all cases of return to port after port clearance, on account of damage, or for stress of weather, it shall be lawful for the owner, or for the master, to enter the vessel and land the cargo, under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be reclaimed;

and if goods on account of which drawback has been paid be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the collector of customs.

Relanding of goods before port clearance is granted, and return of duties.

L. And it is hereby enacted, that when goods shall be relanded before the lading of any vessel is complete, and before port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port clearance shall have been granted for the vessel on which the goods were exported, unless the vessel shall have put back for stress of weather, or for damage, and the goods shall have been relanded under the rule contained in the last preceding section of this Act.

See Act XIX. 1838.

Government may establish rules for coasting and country craft.

LI. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of goods therefrom, and shipping of goods therein, and that whoever, being in charge of any such craft, shall knowingly contravene any such rule, shall be liable to a fine not exceeding Rs. 100 for each offence.

See Act V. 1850.

Certain foreign craft to be treated like coasting craft of British territories.

LII. And it is hereby enacted, that pattamars, dhonies, botellas, and other small craft from the Maldive or Laccadive Islands, or from the native ports of Kattywar, Cutch, and Scinde, shall be treated in the ports of the Bombay presidency like the coasting craft of the British territory, provided that they conform to such special regulations as to the place of anchoring, and mode of landing and shipping goods, as may be made by the Governor in Council of Bombay for such vessels in the several ports of the Bombay presidency.

See Act V. 1850.

No drawback on goods shipped on such native craft.

LIII. And it is hereby enacted, that no drawback shall be allowed on goods shipped on such native craft as are described in the last preceding section of this Act.

See Act VI. 1848.

Imported goods exported in same vessels not liable to duty, but if transhipped duty to be paid.

LIV. And it is hereby enacted, that goods exported in the same vessels, if manifested for re-export, shall not be subject to import or export duty; and if any goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the custom-house for re-exportation in the vessel into which they may be transhipped.

Transhipments, how may be made.

LV. And it is hereby enacted, that no transhipment shall be made of any goods except under special order in writing from the collector of customs of the port, and an officer of customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel.

Anchorage fees on country craft.

LVI. And it is hereby enacted, that at every port subordinate to the Bombay presidency, the port of Bombay excepted, an anchorage fee shall be levied once at each port, according to the burthen, on all country craft

above the burthen of (100) one hundred maunds, at the rates herein-under specified:—

								Fee. Rupees.	
Above	10 candies (equal to 100 maunds)			not exceeding	20 candies (200 Indian maunds)			1	0
„	20	...	...	„	...	40	... ...	1	8
„	40	...	...	„	...	60	... ...	2	0
„	60	...	...	„	...	80	... ...	2	8
„	80	...	...	„	...	100	... ...	3	0
„	100	...	...	„	...	150	... ...	3	8
„	150	...	...	„	...	200	... ...	4	0
„	200	...	...	„	...	250	... ...	4	8
„	250	...	...	„	...	300	... ...	5	0
„	300	...	...	„	...	350	... ...	5	8
„	350	...	...	„	...	400 and upwards		6	0

Collector competent to confiscate.

LVII. And it is hereby enacted, that in all cases in which, under this Act, goods are liable to confiscation, the collector of customs of the place where those goods may be shall be competent to adjudge such confiscation.

Collector may refuse port-clearance till fines are paid.

LVIII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any fine on account of any act or omission relating to customs, the collector of customs shall be competent, subject to the orders of the Governor in Council of the presidency of Bombay, to refuse port clearance to such vessel until the fine shall be discharged.

Powers of collector and other officers in adjudging on seized goods.

LIX. And it is hereby enacted, that it shall be lawful for any collector of customs, or other officer who may be authorized to adjudicate customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the proprietor by the customs officer who made such vexatious seizure, besides ordering the immediate release of the goods; and if the proprietor accept such damages, no action shall thereafter lie against the officer of customs in any court of justice on account of such seizure; and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double duty; and if the said officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the goods, a proportion, not exceeding one half, shall be distributed in rewards amongst such officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

Rewards to officers making seizures.

Customs officers amenable to civil courts.

LX. And it is hereby enacted, that all officers of customs shall, as heretofore, be amenable to the civil courts of the presidency or island of Bombay by action for damages on account of any executive acts done in their official capacity, at the suit of the parties injured by such acts: provided, however, that no suit shall lie against a collector of customs or

See Act XVIII. 1850.

Proviso.

other officer for any judicial award in a matter of customs passed under the preceding section of this Act.

LXI. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding Rs. 1,000, or both.

Punishment for obstructing officers in discharge of their duties.

LXII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept, or obtain, or attempt to obtain, from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Punishment of officers receiving consideration for doing or forbearing official acts.

LXIII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the customs revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Punishment of officers concerned in defrauding the revenue.

LXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an Order in Council, to transfer any of the powers given to a collector of customs by this Act to any other functionary, and to make any rules consistent with law for the carrying of this Act into effect, and to establish such bunders and appoint such officers as he shall think fit, and to fix rates of wharfage and of rent to be paid for goods deposited or suffered to lie in the godowns of the custom-house.

Powers of Governor in Council in respect of this Act.

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* SCHEDULE (A).

RATES of DUTY to be charged on GOODS IMPORTED by Sea into any Port of the Presidency of Bombay.

No.	Enumeration of Goods.	When imported on British Bottoms.	*When imported on Foreign Bottoms.*
1	Bullion and coin	Free ...	*Free.*
2	Precious stones and pearls	Ditto ...	*Ditto.*
3	Grain and pulse	Ditto ...	*Ditto.*
4	Horses and other living animals	Ditto ...	*Ditto.*
5	Ice	Ditto ...	*Ditto.*
6	Coal, coke, bricks, chalk, stones (marble and wrought stones excepted)	Ditto ...	*Ditto.*
7	Books printed in the United Kingdom, or in any British possession	Ditto ...	3 *per cent.*
8	Foreign Books...	3 per cent. ...	6 *per cent.*
9	*Marine stores, the produce or manufacture of the United Kingdom, or of any British possession*	3 *per cent.* ...	6 *per cent.*
10	*Ditto, ditto, the produce or manufacture of any other place or country*	6 *per cent.* ...	12 *per cent.*

* See Note at Sec. iv. of this Act.

No.	Enumeration of Goods.	When imported on British Bottoms.	*When imported on Foreign Bottoms.*	
11	*Metals, wrought or unwrought, the produce or manufacture of the United Kingdom, or any British possession*	3 *per cent.* ...	6 *per cent.*	
12	*Metals, ditto, ditto, excepting tin, the produce or manufacture of any other place*	6 *per cent.* ...	12 *per cent.*	
13	Tin, the produce of any other place than the United Kingdom, or any British possession	10 per cent. ...	20 *per cent.*	
14	*Woollens, the produce or manufacture of the United Kingdom, or any British possession*...	2 *per cent.* ...	4 *per cent.*	
15	*Ditto, the produce of any other place or country*	4 *per cent.* ...	8 *per cent.*	
16	Cotton-wool, not covered by certificate of the payment of export duty at any other port of Bombay	9 as. per md. of 80 tolas to the seer ...	1 *re.* 2 *as. per md. of* 80 *tolas to the seer.*	See Act II. 1846.
17	*Cotton and silk piece-goods, cotton twist and yarn, the produce of the United Kingdom, or of any British possession*	3½ *per cent.* ...	7 *per cent.*	
18	Ditto, the produce of any other place... ...	7 per cent....	14 *per cent.*	
19	Opium, covered by a pass	Free... ...	*Free.*	
20	Ditto, not covered by a pass	24 rs. per seer of 80 tolas ...	24 *rs. per seer of* 80 *tolas.*	
21	*Salt, not covered by a pass*	8 *as. per md. of* 80 *tolas seer*...	8 *as. per md. of* 80 *tolas.*	Repealed by Sec. v. Act XVI. 1844.
22	Alum	10 per cent....	20 *per cent.*	
23	Camphor	10 per cent....	20 *per cent.*	
24	Cassia	10 per cent....	20 *per cent.*	
25	Cloves	10 per cent....	20 *per cent.*	
26	Coffee	7½ per cent....	15 *per cent.*	
27	Coral	10 per cent....	20 *per cent.*	
28	Nutmegs and mace	10 per cent....	20 *per cent.*	
29	Pepper	10 per cent....	20 *per cent.*	
30	Rattans	7½ per cent....	15 *per cent.*	
31	Tea	10 per cent....	20 *per cent.*	
32	Vermilion	10 per cent....	20 *per cent.*	
33	*Wines and liqueurs*	10 *per cent.* ...	20 *per cent.*	
34	*Spirits, consolidated duty, including any duties levied heretofore through the police*	9 *as. per imperial gallon*	1 *re. per imperial gallon.*	
	And the duty on spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.			
35	*Tobacco*	1 *re.* 8 *as. per md. of* 80 *tolas per seer*	1 *re.* 8 *as. per md. of* 80 *tolas per seer.*	Repealed by Act XXIV. 1850.
	Which duty shall be the minimum customs duty levied on raw tobacco, and all preparations thereof, in all the ports of the Bombay presidency; but if at the rate of 5 *per cent. on the actual value, a higher duty than* 1 *rupee* 8 *annas per maund should be leviable on any preparation of tobacco, the duty shall be levied ad valorem at that rate if imported on British bottoms, and at* 10 *per cent. on foreign bottoms. And the customs duty laid upon tobacco shall be allowed in settling for the special duty levied on the import of this article into the island of Bombay, which special duty shall be levied at the rate of* 9 *rupees for the Indian maund.*			
36	All articles not included in the above enumeration	3½ per cent.	7 *per cent.*	

And if the collector of customs shall see reason to doubt whether the goods liable to a different rate of duty, according to the place of their production, come from the country from which they are declared to come by the importer, it shall be lawful for the collector of customs to call on the importer to furnish evidence as to the place of manufacture or production; and if such evidence shall not satisfy the said collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Governor in Council at Bombay.

See Acts VI. and VII. 1846.

And upon the re-export by sea of goods imported, excepting opium and salt, and all goods of the growth, production, or manufacture of the continent of India, provided the re-export be made within two years of the date of import, as per custom-house register, and the goods be identified to the satisfaction of the collector of customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback.

But no exporter of imported goods shall be entitled to drawback, unless the drawback be claimed at the time of re-export, nor shall any payment be made of drawback unless the amount claimed be demanded within one year from the date of entry of the goods for re-export in the custom-house registers.

SCHEDULE (B).

RATES of DUTY to be charged on GOODS EXPORTED by Sea from any Port or Place in the Presidency of Bombay.

	No.	Enumeration of Goods.	Exported on British bottoms.	*Exported* on Foreign Bottoms.*
	1	Bullion and coin	Free ...	*Free.*
	2	Precious stones and pearls	Ditto ...	*Ditto.*
	3	Books, maps, and drawings printed in India ...	Ditto ...	*Ditto.*
	4	Horses and living animals	Ditto ...	*Ditto.*
	5	Opium, covered by a pass	Ditto ...	*Ditto.*
	6	Ditto, not covered by a pass	Prohibited ...	*Prohibited.*
See Act II. 1846.	7	Cotton-wool exported to Europe, the United States of America, or any British possession in America	Free ...	*9 as. per md. of 80 tolas to the seer.*
	8	Ditto, ditto, exported to places other than above	9 as. per md. of 80 tolas per seer	*1 re. 2 as. per md. of 80 tolas to the seer.*
Repealed by Sec. v. Act XVI. 1844.	9	*Salt, having paid the excise of 8 annas a maund*	*Free* ...	*Free.*
	10	Tobacco	1 re. 8 as. per maund of 80 tolas to the seer	*1 re. 8 as. per md. of 80 tolas per seer.*
	11	All country articles not enumerated or named above	3 per cent.	*6 per cent.*

And upon the re-export to Europe, the United States of America, or to any British possession in America, or from any other port of the Bombay presidency, of cotton that has been imported under certificate of the payment of the duty specified in this schedule, provided that the re-export be made in British bottoms within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export, as per custom-house registers, the whole amount of export-duty levied at the first place of export shall be refunded.

* See Note at Sec. iv. of this Act.

SCHEDULE (C).

Manifest of Goods imported per Commander, from . under Colours; viz.

Marks	Numbers.	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice Value.			Tariff Value.			
A.	1 a' 5	3 cases	250 pieces	-	-	3,000	Cambrics. Long-cloths, bleached. Ditto, unbleached. Madapollams, bleached. Ditto, unbleached. Plain muslins.							

N.B.—Articles generally to be specified, excepting such as ironmongery, hardware, glassware, earthenware, cutlery, perfumery, confectionery, stationery, and such like.

All articles from Great Britain to be entered according to the English weight, not native.

From China, in like manner in China weights.

In imports and exports of bullion or coin, to specify the sort of which they consist.

A.D. 1838. ACT IV.

PASSED *by the Honourable the President of the Council of India in Council, on the 29th January*, 1838.

Trial and punishment for perjury committed before the Sudder Adawlut.

IT is hereby enacted, that if it shall appear to the Court of Sudder Adawlut of Bombay that any person has been guilty of perjury in any matter depending in that court, that court may immediately commit the offender to custody, and transmit him to the zillah court nearest to the presidency, in order to his being brought to trial before the Session Court of the zillah in which such zillah court is situated; and such person shall be dealt with in the same manner as if the perjury had been committed within the limits of the local jurisdiction of such court of session.

A.D 1838. ACT VI.*

PASSED *by the Honourable the President of the Council of India in Council, on the 19th March,* 1838.

Power of commissions to summon and examine witnesses.

IT is hereby enacted, that whenever the Governor in Council of the presidency of Bombay shall appoint, or shall have appointed, a commission to inquire into any charge of malversation against any public servant, it shall be lawful for such Governor in Council to authorize such commission to summon witnesses before it, and to administer an oath, or any substitute for an oath, to them, and to examine them in like manner as it is lawful for the criminal courts of that presidency to do; and that any witness shall be guilty of perjury who shall give such evidence before such commission so authorized as if given before a court of justice would render such witness guilty of perjury.

See Act V. 1840.

* There is no specific enactment providing for the appointment of commissions of inquiry into alleged malversations of public servants; but it would seem competent to the Governor in Council to appoint such commission under the general discretion vested in him by Sec. xxv. Regulation II. 1827, or Cl. 4, Sec. viii. Regulation XII. 1827; and reference is made to such commission in Cl. 4, Sec. vii. Regulation XVI. 1827.

A.D. 1838. ACT VII.

PASSED *by the Honourable the President of the Council of India in Council, on the 23rd April,* 1838.

Tolls at the Bhore Ghaut on palanquins and laden bullocks.

I. IT is hereby enacted, that from the 10th day of May, 1838, the following rates of toll shall be levied, in the Company's currency, at the toll-gate of the Bhore Ghaut, on palanquins and laden bullocks, both in going and returning.

On every palanquin	1 rupee.
On every laden bullock	6 pies.

Extension of Act II. 1837.

II. And it is hereby enacted, that from the said day all the provisions of Act II. of 1837, of the Governor-General of India in Council, shall be applicable to palanquins and laden bullocks, and the tolls to be levied thereon, as if they had been inserted among the rates of tolls contained in Section II. of that Act.

A.D. 1838. ACT IX.

PASSED *by the Honourable the President of the Council of India in Council, on the* 30*th April*, 1838.

Session judges may award fines to injured parties as compensation.

IT is hereby enacted, that from the 15th day of May, 1838, it shall be competent to the session judges within the presidency of Bombay, in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to magistrates to award fines under Clause First, Section XIII. Regulation XII. of 1827 of the Bombay code.

A.D. 1838. ACT XV.

PASSED *by the Honourable the President of the Council of India in Council, on the* 16*th July*, 1838.

Rescission.

IT is hereby enacted, that Clause First, Section XXXV. Regulation XII. of 1827, of the Bombay code, be repealed.

A.D. 1838. ACT XVI.

PASSED *by the Honourable the President of the Council of India in Council on the* 23*rd July*, 1838.

Transfer of jurisdiction in certain causes from revenue to civil courts.

I. *First.* It is hereby enacted, in modification of the rules contained in Chapter VIII. Regulation XVII. of 1827, of the Bombay code, that in the territories subject to the presidency of Bombay, all suits in regard to tenures, and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all suits in which the right to possession of land, or of the wuttuns of hereditary district or village officers is claimed, shall be brought in the Courts of Adawlut and the courts subordinate thereto, and not in the Courts of Revenue.

Summary jurisdiction of Revenue Courts in giving possession.

Second. Provided, nevertheless, that it shall be lawful for the Revenue Courts to give immediate possession of all lands, premises, trees, crops,

fisheries, and of all profits arising from the same, to any party dispossessed of the same or of the profits thereof, provided application be made to them by such party within six months from the date of such dispossession. And in order to the due execution of such power, it shall be lawful for the Revenue Courts to determine the facts of such possession and dispossession; and the party to whom the Revenue Courts shall so give immediate possession, shall continue in possession, until ejected by a decree of a Court of Adawlut.

Third. Provided also, that nothing contained in this Act shall be held to interfere with the jurisdiction defined in Clauses Third, Fourth, and Fifth of Section XXXI. Regulation XVII. of 1827, of the aforesaid code, which shall continue to be exercised by the Revenue Courts.

Restriction of this Act.

II. And it is hereby enacted, that if a suit be presented in the court of a judge or collector, which such judge or collector shall not deem within his jurisdiction, the party presenting such suit shall be referred by the court in which it may be first presented to that in which, in the opinion of such court, the jurisdiction lies, and the latter court shall, in the event of its doubting its jurisdiction in the case, refer the question of jurisdiction to the Sudder Dewanny Adawlut, whose decision on the point shall be final.

Reference of suits to the proper authority.

Doubts as to jurisdiction of a judge or collector to be decided by the Sudder Court.

III. And it is hereby enacted, that if a suit be presented in any court subordinate to the court of a judge or collector, which suit such subordinate court shall not deem to be within its jurisdiction, such subordinate court shall submit the case to the Judge's or Collector's Court to which such subordinate court is subordinate; and if the superior court to which the case is so submitted shall be of opinion that such subordinate court has jurisdiction in the case, such superior court shall direct such subordinate court to proceed with the case; and if such superior court shall be of opinion that such subordinate court has not jurisdiction in the case, such superior court shall proceed in the manner directed in the last preceding section.

Reference of suits to the proper authority.

Doubts as to jurisdiction of subordinate courts to be settled by superior court.

IV. And it is hereby enacted, that whenever a Court of Adawlut or a Revenue Court shall have entered on its file, under this Act, a suit in which it has not jurisdiction, it shall be competent to the Sudder Dewanny Adawlut, either on a reference from the judge or collector (as the case may be), or on application from the parties, to direct that the suit be transferred, with all the proceedings which may have taken place therein, up to the period of transfer, to the court possessing jurisdiction, which shall proceed therewith as if the suit had been originally filed in that court.

Transfer of suits instituted in courts, revenue or judicial, not having proper jurisdiction, how to be effected.

V. And it is hereby enacted, that when any court trying an appeal finds that the action was originally brought and decided in a Revenue Court, when it ought to have been brought and decided in a Court of Adawlut, or a court subordinate thereto, or that the action was originally brought and decided in a Court of Adawlut, or a court subordinate thereto, when it ought to have been brought and decided in a Revenue Court, the court trying the appeal shall, instead of quashing the whole proceedings, annul only the decree, and refer the suit to be tried in the court to which the

Appeals from decrees passed by courts of incompetent jurisdiction to be stopped, and suit referred to proper court.

jurisdiction properly belongs, without further costs of stamps to the parties, except on new exhibits, if any such should be allowed to be filed; and the court trying any such case referred under the foregoing section shall take further pleadings, exhibits, and evidence, only if it deem such necessary, and shall pass a new decree; but if an appeal be made from such new decree by the party originally bringing the appeal, then the decree of the court trying such new appeal shall be passed without the cost of a new stamp on the petition of appeal to that party.

Proceedings on new trial.

Transfer of pending suits and appeals.

VI. And it is hereby enacted, that all original suits and appeals relating to any of the subjects enumerated in Clause First, Section I. of this Act, which may be depending in the Revenue Courts, shall be forthwith transferred to the Courts of Adawlut; and in all cases where the right of appeal may now be open, the appeal shall be brought to the court to which, under the rules of this Act, such appeal shall lie.

A.D. 1838. ACT XVIII.

PASSED *by the Honourable the President of the Council of India in Council, on the 20th August*, 1838.

Collectors may require security from uncovenanted servants under them.

See Acts XII. and XIII. 1859.

I. IT is hereby enacted, that from the 1st day of October next, in addition to the security authorized to be taken by Section XII. Regulation XVI. 1827, of the Bombay code, it shall be lawful for every collector or other principal officer entrusted with the collection or management of the revenues of Government, in the territories subject to the Government of the presidency of Bombay, to require security of one or more individuals in the form of Schedule (A), from any officer employed under him, not being a covenanted servant or commissioned officer of the East-India Company.

Liability of sureties.

II. *First.* And it is hereby enacted, that the surety or sureties of such officer as is aforesaid, who may enter into a bond of the form Schedule (A), shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against, in case of default, and notwithstanding such principal may be so proceeded against.

Extent of liability.

Second. Provided always, that no greater sum shall be recovered from the surety or sureties than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the principal, as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them.

Sureties not liable to imprisonment if penalty be paid.

Third. And provided also, that the said surety or sureties shall in no case be liable to summary imprisonment in default of producing public papers or property, provided he or they pay into the collector's treasury, the whole or such part of the penalty named in the bond as may be demanded.

III. And it is hereby enacted, that the collector or other officer as aforesaid may at any time after security has been given, the sanction of the superior revenue authority being first obtained, demand fresh or additional security, as may seem to him expedient.

Fresh or additional security may be required at any time.

IV. And it is hereby enacted, that any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on his stating, in writing, to the officer to whom the bond has been given, that he desires so to withdraw; and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his principal concerning moneys, papers, or accounts for which his principal may become chargeable after the expiration of such period of sixty days.

Withdrawal of sureties: when liability is to cease.

V. And it is hereby enacted, that the liability of the surety or sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed.

Liability of sureties not affected by death of principal, or his change of office.

VI. And it is hereby enacted, that the date from which the liability of the surety or sureties is to commence shall be stated in the bond, and such date shall be that of the appointment to the situation which the principal is declared in the bond to hold, or that from which any former security bond has been cancelled, or any other specific date which the officer requiring such security may determine, and the party or parties executing the bond shall agree to.

When liability of sureties is to commence.

SCHEDULE (A).

Form of Bond.

Form of bond.

I, *A. B.* (we, *A. B.* and *C. D.*) do hereby become security on the part of *E. F.*, holder of the office of in the collectorship of and bind myself [ourselves severally and jointly] to make good all demands for public money, public papers and accounts, and all other property appertaining to government, which may have arisen from the date from which this bond is to take effect as hereinafter mentioned, and which may arise during such period as this bond may continue in force against the said *E. F.*; and on failure to produce public accounts, papers, or other property appertaining to government, not being money, I [or we] agree to forfeit such sum not exceeding [Rs. 10,000, or as the case may be,] as the collector [or other officer, as the case may be] may deem proper.

This bond is to have effect from the date of appointment of the said *E. F.* [or as the case may be].

Executed this day of in the year of

Witnesses.

[Signature of security.]

A.D. 1838. ACT XIX.*

PASSED *by the Honourable the President of the Council of India in Council, on the 27th August,* 1838.

Rescission.

I. IT is hereby enacted, that from the 1st day of November, 1838, Sections XX. and XXI. Regulation XX. of 1827, of the Bombay code, be repealed.

Rules for coasting, fishing, and harbour vessels.

II. And it is hereby enacted, that from the said 1st day of November, 1838, the following rules shall be in force with respect to vessels belonging to any of her Majesty's subjects residing within the presidency of Bombay, and employed on the coasts of the territories subject to the government of Bombay, or in trading coastwise, as also with respect to fishing-vessels and harbour-craft belonging to any of the same her Majesty's subjects.

See Acts V. and XI. 1850.

Vessels to be marked and numbered.

III. And it is hereby enacted, that every such vessel employed as aforesaid, fishing-vessel, and harbour-craft, shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same by the officer authorized to make such registry as is hereinafter mentioned; and the owner or owners of such vessel employed as aforesaid, fishing-vessel, and harbour-craft, shall cause such name and number to be painted in black paint upon a white ground on each quarter of such vessel employed as aforesaid, fishing-vessel, and harbour-craft, in English figures and letters, each figure and letter being six inches in length.

Registry of vessels.

IV. And it is hereby enacted, that the name and number of every such vessel employed as aforesaid, fishing-vessel, and harbour-craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book to be kept for that purpose by the person hereinafter directed to make such registry. At Bombay such registry shall be made by the master-attendant, and at other places within the said territories by the collector of sea customs at such places respectively, or by such other person as shall be appointed by the Government of Bombay to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing-vessel, or harbour-craft, or in the name or names of the owner or owners thereof, such registry shall be made again: provided, however, that it shall not be lawful to give any name to such vessel employed as aforesaid, fishing-vessel, or harbour-craft, other than that by which she was first registered.

Owners to apply for registry.

V. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing-vessel, and harbour-craft, shall apply

* Act X. 1841 enacts rules for extending the benefit of British registry to all ships belonging to ports within the British territories in India and ports of native states. But it is provided that all such vessels, if employed only in coasting voyages, or between any part of the continent of India and the island of Ceylon, may be registered and obtain passes according to such rules as shall be made from time to time by the Government of each presidency.

to the person authorized to make such registry in respect of the same, in order to have such registry made, or in order to have such registry made again as aforesaid; and whenever such vessel employed as aforesaid, fishing-vessel, or harbour-craft, is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the master-attendant at Bombay.

Registry at subordinate ports.

VI. And it is hereby enacted, that the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels, and harbour-craft, at Bombay, shall be performed by the master-attendant; and at all other places within the territories subject to the Government of Bombay, the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels, and harbour-craft, shall be performed by the collector of sea customs at such places respectively, or by such other persons as shall be appointed by the Government of Bombay to act at such places respectively, in the execution of this Act.

What officer is to ascertain the burthen, and mark the vessel.

VII. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing-vessel, and harbour-craft, shall apply for and obtain a certificate of registry from the person authorized to make such registry as aforesaid, and such certificate shall be in the form specified in the schedule appended to this Act; and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner and on payment of the fees hereinafter mentioned.

Certificate of registry

VIII. And it is hereby enacted, that such certificate of registry shall be sealed with the seal of the East-India Company, and shall be signed by the person authorized to make such registry.

Certificate to be sealed.

IX. And it is hereby enacted, that such certificate shall be issued to every vessel employed as aforesaid, fishing-vessel, and harbour-craft as aforesaid, from the date of the expiration of the pass she is now furnished with; the registrations with respect to fishing-vessels and harbour-craft to take effect from the 1st of November, 1838.

From what date certificate and registry are to take effect.

See Sec. iv. Act XI. 1850.

X. And it is hereby enacted, that the owner or owners of such vessels employed as aforesaid (fishing-vessels and harbour-craft being excepted), on being registered as aforesaid, shall pay—

For each certificate of registry for a vessel not exceeding 20 Bombay candies burthen, the fee of	1 rupee.
For each certificate for a vessel exceeding 20 such candies burthen, and not exceeding 100 candies burthen ...	5 —
For each certificate for a vessel exceeding 100 such candies burthen, and not exceeding 400 candies burthen ...	7 —
And for each certificate for a vessel of 100 tons, or greater burthen, per ton	2 annas.

Fees for registry and certificate.

XI. And it is hereby enacted, that the person or persons so authorized to make such registry as aforesaid shall receive the fees payable for the same, and shall pay such fees to such officer as the Governor of Bombay in

Fees how to be received and disposed of.

Council shall appoint; the same to be carried to the credit of the Government of Bombay.

Certificate to be produced on demand.

XII. And it is hereby enacted, that the owner or owners or commander of every such vessel employed as aforesaid, fishing-vessel, and harbour-craft, shall produce, on demand thereof by any officer of the customs within the said territories, or by any officer of the Indian navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid, fishing-vessel, or harbour-craft, as above mentioned.

Penalties for neglecting to mark vessels, and for not obtaining or refusing to produce certificate.

XIII. And it is hereby enacted, that in case any such vessel employed as aforesaid, fishing-vessel, or harbour-craft, shall not be so marked or branded, in all respects as hereinbefore directed, or in case the name and number of any such vessel employed as aforesaid, fishing-vessel, or harbour-craft, shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing-vessel, or harbour-craft, in all respects as hereinbefore directed; or in case any such vessel employed as aforesaid, fishing-vessel, or harbour-craft, shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel, or harbour-craft, shall not produce such certificate on demand thereof as hereinbefore directed, the owner or owners of every such vessel employed as aforesaid shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable; and the owner or owners of any such fishing-vessel or harbour-craft shall be subject to a fine of 10 rupees; which fines may be recovered on conviction before any magistrate, justice of the peace, or person exercising the powers of a magistrate having jurisdiction within the said territories, by sale of such vessel, fishing-vessel, or harbour-craft, her furniture, ammunition, tackle, and apparel; and such fines shall be payable as often as the owner or owners, or commander of any such vessel employed as aforesaid, fishing-vessel, or harbour-craft, shall make such default as aforesaid, provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

Recovery of penalties.

Compensation to persons employed in seizing vessels.

XIV. And it is hereby enacted, that the Governor of Bombay in Council may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing-vessel, or harbour-craft, guns, furniture, tackle, ammunition, and apparel, as last mentioned, to be made out of the proceeds of such seizure, to the person or persons who shall have seized the same, to such amount, in such manner, and in such shares or proportions, as to the said Governor in Council shall seem meet.

No certificate required to obtain a port clearance.

XV. And it is hereby enacted, that from the 1st day of November, 1838, a certificate from the marine paymaster at Bombay,* or from the boat-master at Bombay, shall not be required in order to enable any person or persons to obtain a port clearance for any vessel at the custom-house of Bombay.

* Provided by Clause Second, Section iv. Regulation II. 1810. See page 254.

SCHEDULE.

This is to certify that [here insert the names, occupation, and residence of the owners], having declared, that [he or they] are sole owner or owners of the vessel [fishing-vessel or harbour-craft] called [the name], which is of the burthen of [number of Bombay candies], and that the said vessel [fishing-vessel or harbour-craft] was [where and when built], the said vessel [fishing-vessel or harbour-craft] has been duly registered at the port of [name of port].

Certified under my hand. [Signature of officer.]

A.D. 1838. ACT XX.*

PASSED *by the Honourable the President of the Council of India in Council, on the 27th August*, 1838.

I. IT is hereby enacted, that from the 1st day of October next, Section VIII. Act XVII. 1837, be repealed. Repeal.

II. And it is hereby enacted, that when there is no bhangi post established on any line of road, letters and packets exceeding in weight 12 tolas, and not exceeding 40 tolas, shall be received by postmasters for transmission by the letter-post under the rules which follow. What may be sent by post where there is no bhangi.

First. If the letter or packet received for dispatch be of the description specified in heads Nos. 1, 2, and 3 of the Schedule (A) annexed to Act XVII. of 1837, the postage duty thereon shall be levied by rateable increase, as declared and provided in the said heads of the said schedule, and the postmasters shall forward every such letter or packet on the same terms, the postage charge being rateably increased, as is provided in the said Act for letters and packets not exceeding 12 tolas in weight. Rate of charge on packets above twelve tolas weight.

Second. If any packets exceeding 12 tolas in weight, and not exceeding 40 tolas, when so brought for dispatch along a road where there is no regular bhangi post established, be certified by attestation written on the cover not to contain any of the things specified as subject to rateable postage duty under heads Nos. 1, 2, and 3 of the said Schedule; and further, if it be so certified that such packets do not contain any writing in contravention of Sections IX. and X. Act XVII. of 1837, every such packet shall in like manner be forwarded by the letter-post, being charged with duty as specified and prescribed in Table 4, Schedule (A), for bhangi parcels; provided, however, that it shall be in the power of the postmaster at the place of delivery to proceed for the discovery of any fraud or contravention of the law in respect of all packets so conveyed by the letter-post at bhangi postage rates, in the manner prescribed in Section XXX. Act XVII. 1837: provided also, that Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the postmaster for conveyance by virtue of this Act, and that no person employed by the Government in the post-office What packets above twelve and not exceeding forty tolas will be forwarded. Proviso.

* By Act XVII. 1839, the Governor-General is authorized to alter the rates established by Schedules A and B, Act XVII. 1837, referred to in this Act.

department shall be responsible for any such loss or damage unless such person has caused such loss or damage maliciously or fraudulently.

Packets above forty tolas will be forwarded at the discretion of the postmaster.

III. And it is hereby enacted, that if packets exceeding 40 tolas in weight be brought for dispatch by the letter-post at bhangi rates, the same may be forwarded under the rules and restrictions prescribed in the preceding section of this Act: provided, however, that the transmission of such over-weight packets shall always be discretional with the postmaster, to whom they may be brought for dispatch, to forward them at such times and in such manner as may be convenient.

Packets brought for bhangi post shall not be returned.

IV. And it is hereby enacted, that no packet brought for dispatch by bhangi post shall be returned from any post-office on the ground that the bhangi post has not been laid for the whole distance to the place of delivery.

Fines for fraudulent endorsements on letters or packets.

V. And it is hereby enacted, that, except as hereinafter is mentioned, if any person wilfully certify or cause to be certified by writing on any letter, cover, or packet delivered at any post-office for conveyance by post, what is not true in respect of such letter or packet, or in respect of its contents, for the purpose of defrauding the post-office revenue, every such person shall, on conviction, be subject to a fine of 50 rupees for every such offence.

Fine for inserting papers in a packet different from those attested by the endorsement on the cover.—Table 2, Schedule (A).

VI. And it is hereby enacted, that whoever shall send, or cause to be sent, by the Government post any packet, under the provisions of this Act, of the description mentioned in Table 2 of Schedule (A), Act No. XVII. A.D. 1837, which shall contain any writing whatever other than writing which is necessarily part of the documents which such packet is stated to contain by attestation on the cover of such packet, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 rupees.

Same in respect of Table 3, Schedule (A).

VII. And it is hereby enacted, that whoever shall send, or cause to be sent, by the Government post, under the provisions of this Act, any packet of the description mentioned in Table 3 of Schedule (A), Act No. XVII. A.D. 1837, which shall contain any writing whatsoever, except the direction on the cover, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 rupees.

How fines incurred under this Act and under Secs. ix. and x. Act xvii. 1837, are to be levied.

VIII. And it is hereby enacted, that all fines incurred on account of letters or packets sent by the letter-post, or by the bhangi post, in contravention of the provisions of Sections IX. and X. of Act XVII. of 1837, as well as all fines by this Act authorized to be imposed, shall be demanded from the parties liable thereto, by notice in writing from the postmaster-general, or from any postmaster; and if not paid upon such demand, the same shall, upon conviction of the offender before any magistrate for the place where the party charged may be residing, be levied, together with the costs attending the information and conviction,

by distress and sale of the goods and chattels of the party or parties offending, by warrant under the hand of such magistrate; and if upon the return of such warrant it shall appear that no sufficient distress can be had thereon, then it shall be lawful for any such magistrate, by warrant under his hand and seal, to cause such offender or offenders to be committed to prison, there to remain for the space of two calendar months, unless such fines and all reasonable charges attending the same shall be sooner paid and satisfied.

Letters may be detained till fine is paid.

IX. And it is hereby enacted, that it shall be lawful for the postmaster to detain any letter or packet in respect of which any party shall become liable to fine for a contravention of Sections IX. and X. of Act XVII. 1837, or of any of the provisions of this Act, until the fine and all reasonable charges attending the same shall have been duly paid.

A.D. 1838. ACT XXI.

PASSED *by the Honourable the President of the Council of India in Council, on the 27th August*, 1838.

Silver coins of even annas' value may be issued by Governor-General in Council.

I. IT is hereby enacted, that it shall be lawful for the Governor-General of India in Council, in his executive capacity, to direct the coinage and issuing of any silver coins, of a value represented in even annas or sixteenths of the Company's rupee, provided they be of the same standard as that prescribed for such rupee by the Act No. XVII. of 1835, and of proportionate weight.

Impressions on such coins.

II. And it is hereby enacted, that the provisions of Act No. XVII. of 1835, and of Act No. XXXI. of 1837, applicable to the devices, inscriptions, and embellishments of the coins coined and issued by virtue of the Act No. XVII. of 1835, shall be applicable to the coins which may be coined and issued by virtue of this Act.

A.D. 1839. ACT II.*

PASSED *by the Honourable the President of the Council of India in Council, on the 4th February*, 1839.

How fines imposed under any Act are to be enforced.

I. IT is hereby enacted, that in all cases of fines by which offenders are or may be punishable by any magistrate, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the

* Extended by Act XXVI. 1850, to the recovery of arrears of taxes and penalties imposed by commissioners for improvement of towns.

Governor-General of India in Council, it shall be lawful, in case of non-payment, if no other means for enforcing the payment are or shall be provided by such Act or otherwise, for the magistrate, by warrant under his hand, to levy the amount of such fine by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of such magistrate; and if no such property shall be found within such jurisdiction, then it shall be lawful for every such magistrate, by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such magistrate, for any term not exceeding two calendar months, where the amount of the fine shall not exceed 50 rupees, and for any term not exceeding four calendar months where the amount shall not exceed 100 rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount.

Imprisonment.

Limitation of fines and imprisonment.

II. And it is hereby enacted, that in all cases in which offenders are or may be punishable by any magistrate with fine or imprisonment, or both, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor-General of India in Council, and where the extreme amount of the fine or imprisonment is not specified, it shall not be lawful for the magistrate to impose any fine exceeding 200 rupees, or to imprison the offender for any term exceeding six months.

Proof in cases liable to fine.

III. And it is hereby enacted, that in all cases in which offenders are or may be punishable by fine before a magistrate, according to the provisions of any Act heretofore passed or which hereafter shall be passed by the Governor-General of India in Council, it shall be lawful for the magistrate, and he is hereby required, to receive proof of the commission of the offence *upon oath, or* upon solemn affirmation in cases where a solemn affirmation is receivable by law instead of an oath.

Definitions of terms "fine" and "magistrate."

IV. And it is hereby declared and enacted, that in this Act and in all Acts heretofore passed by the Governor-General of India in Council, the terms "fine" and "fines" shall extend to all "penalties" and "forfeitures;" and the term "magistrate" shall extend to all "joint magistrates," "persons lawfully exercising the powers of a magistrate," and "justices of the peace."

A.D. 1839. ACT III.

PASSED *by the Honourable the President of the Council of India in Council, on the* 18*th February*, 1839.

No one to be exempt from jurisdiction of Revenue Courts by reason of birth or descent.

I. IT is hereby enacted and declared, that within the British territories under the government of the East-India Company, no person whatever is or shall be, by reason of place of birth or by reason of descent, in

any proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the Revenue Courts, anything in Act No. XI. of 1836 contained notwithstanding.

Proceedings before the passing of this Act declared valid.

II. And it is hereby enacted, that no such proceeding which may have been instituted before the passing of this Act in any such court, and no decree which may have been passed before the passing of this Act in any such proceeding by any such court, shall be treated as invalid by reason of the place of birth, or by reason of the descent of any party to such proceeding or to such decree.

No exception from civil proceedings for arrears or exactions of rent, on account of descent or birth.

III. And it is hereby enacted, that within the said territories no person whatever shall, by reason of place of birth, or by reason of descent, be, in any civil proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the Courts of the Moonsiffs.

A.D. 1839. ACT VIII.

PASSED *by the Honourable the President of the Council of India in Council, on the 8th April,* 1839.

Annexation of Chinchnee jagheer.

IT is hereby enacted, that the following villages, lately comprising the jagheer of Chinchnee, now lapsed to Government, shall, from the time of passing this Act, be subject to all Acts and Regulations which are or shall be in force within the territories subject to the presidency of Bombay.

Pergunnahs Gokak and Anwal.

The two following villages of the pergunnah Terdal; viz.—

1. Moja Sunkurhutee.
2. Moja Kowtkope.

The two following villages of the pergunnah Yadwad; viz.—

1. Moja Hoolkoond.
2. Moja Boodnee.

The two following villages of the pergunnah Gudee Kokutnoor:

1. Moja Jhoonjurwad.
2. Moja Nundeshwur.

The village of Moja Kutkeree of the pergunnah Utnee.

The village of Moja Chikpudsulgee of the pergunnah Bidree.

The village of Moja Oomruj of the pergunnah Burdole.

The four following villages of the Prant Meruj; viz.—

1. *Kusba Ashta Kuryat Ashta.*
2. Moja Dhamnu } Kurryat Tasgaon.
3. Moja Dhowlee }
4. *Moja Sumdolee, Kurryat Sanglee.*

The four following villages of the Prant Raibaug; viz.—

1. Thana Chinchnee } Kurryat Naudre.
2. Moja Umnapoor }

3. Kusba Eksumbe } Kurryat Eksumbe.
4. Moja Bhoj }

The two following villages of the Prant Punnala; viz.—

1. *Moja Koomdul* } *Turf Valve.*
2. *Moja Poonudee* }

The village of Ingulgee of the Koongol pergunnah within the Dharwar collectorate.

The three following villages of the Patoda pergunnah within the Ahmednuggur collectorate:

Moja Singapoor.
Half of Moja Godegaon.
Half of Moja Kaslee.
The village of Hoondee Goonda of the pergunnah of Terdal.
The village of Moja Sooltanpoor of the pergunnah of Terdal.

NOTE.—The villages of which the names are printed in italics having been transferred by exchange to the Sattara state, were excepted from the operation of the Regulations and Acts by Act VI. 1842.

A.D. 1839. ACT XI.

PASSED *by the Honourable the President of the Council of India in Council, on the 22nd April*, 1839.

No stamps in appeals to her Majesty in Council.

I. IT is hereby enacted, that from the time of the passing of this Act, no stamp duty or institution fee shall be payable in respect of any proceeding in any appeal, or in respect of any paper or copy of any paper necessary for any appeal from any court of the East-India Company to her Majesty in Council.

A.D. 1839. ACT XIV.*

PASSED *by the Honourable the President of the Council of India in Council, on the 27th May*, 1839.

Repeals.

I. IT is hereby enacted, that Acts No. XXXII. of 1837 [and No. V.† of 1837] be repealed on the 1st day of July next.

Penalty for contracting with or abetting any native of India to emigrate out of the Company's territories.

II. And it is hereby enacted, that on and after the said 1st day of July next, every person who shall make with any native of India any contract

* This Act is repealed as relates to emigration from the ports of Calcutta, Madras, and Bombay, to Jamaica, British Guiana and Trinidad, by Act XXI. 1844. It is also repealed, in so far as it operated to prevent the emigration of labourers to Ceylon, by Act XIII. 1847.

† This Act is limited to Bengal.

for labour to be performed in any British or foreign colony without the territories of the East-India Company, or who shall knowingly abet or aid any native of India in emigrating from the said territories for the purpose of being employed as a labourer, shall be liable, on conviction before a magistrate or justice of the peace, to a fine not exceeding Rs. 200 for every native so contracted with, aided or abetted, and in default of payment of such fine, shall be liable to be imprisoned for a term not exceeding three months.

Proviso respecting sailors and menial servants.

III. Provided always, that nothing in this Act contained shall be taken to apply to any native seaman who shall of his own free will contract to navigate any vessel, or who shall embark on board such vessel in pursuance of such contract, or to any person who shall contract to serve as a menial servant only, or who shall embark as such menial servant.

A.D. 1839. ACT XVII.

PASSED *by the Honourable the President of the Council of India in Council, on the 1st July,* 1839.

Governor-General in Council may alter rates of postage, but not increase them.

IT is hereby enacted, in modification of so much of Sections VI. and XIV. of Act No. XVII. of 1837 as provides that postage duties shall be levied at the rates set forth in Schedules (A) and (B) appended to the said Act, that it shall be competent to the Governor-General of India in Council, by an order and notice to be published in the Government Gazettes of the several presidencies of India, to authorize the levy of postage duties at rates different from those severally specified in the Schedules (A) and (B) annexed to Act XVII. 1837, and to publish revised schedules from time to time to give effect to such modifications; provided always there be no increase made thereby in any particular of the rates prescribed in the said schedules (A) and (B), and likewise to fix the time when the levy shall commence to be made at such modified rates, and to cancel or modify any order or notice so issued, by further similar order and notice, and the said revised schedules of rates shall, for so long as may be so ordered and notified, be of the same effect and validity as the schedules annexed to the said Act.

PASSED *by the Honourable the President of the Council of India in Council, on the 15th July*, 1839.

Thuggee may be tried in other zillahs than where the offence was committed.

IT is hereby enacted, that any person accused of the offence of murder by Thuggee, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Thuggee, may be tried by any court which would have been competent to try him if his offence had been committed within the zillah where that court sits, anything contained in any Regulation or Regulations to the contrary notwithstanding.

See Acts X. 1847, and III. and XI. 1848.

* The provisions of this Act are extended to Dacoity, by Act XXIV. 1843.

A.D. 1839. ACT XIX.

PASSED *by the Honourable the President of the Council of India in Council, on the 22nd July*, 1839.

What sentences of assistant session judges require confirmation.

IT is hereby enacted, in modification of Clause Fifth, Section XIII. of Regulation XIII. of 1827, of the Bombay code, that all sentences passed by an assistant session judge whereby a convict is liable to imprisonment for a period exceeding two years, shall, before they are carried into execution, be confirmed by the session judge, whose powers and proceedings in respect of any such case shall be the same as are laid down for the guidance of the Sudder Foujdarry Adawlut in Clause Second of the section and Regulation aforesaid, and it shall not be necessary to refer any such case to the Sudder Foujdarry Adawlut.

A.D. 1839. ACT XX.

PASSED *by the Honourable the President of the Council of India in Council, on the 29th July*, 1839.

Power of abolishing hucks and fees, &c., enjoyed by private persons.

I. IT is hereby declared and enacted, that it shall be lawful for the Governor in Council of Bombay to issue orders prohibiting the levy of hucks and fees of every description, and customs, whether by land or sea, enjoyed by holders of rent-free lands or other persons, and of alienated shares of any item of revenue after the abolition or relinquishment thereof by Government.

II. And it is hereby enacted, that the legality of any orders which may have been heretofore issued, or of any orders which, conformably with this Act, hereafter shall be issued by the Governor in Council of Bombay for prohibiting the levy of any such hucks, or fees, customs, or alienated shares of any such item of revenue as aforesaid, shall not be questioned in any court of law.

Orders of Government not to be questioned by courts of law.

III. And it is hereby enacted, that whoever shall levy any such huck, fee, customs, or item of revenue after any such order prohibiting the same as aforesaid shall have been published in the Government Gazette of the presidency of Bombay, and by notice fixed at the post or place at which it has heretofore been claimed or collected, shall be punishable as for an undue exaction under Regulation XVII. of 1827, Section XVI., of the Bombay code, notwithstanding the offender be not a revenue officer of Government.

Punishment for levying abolished hucks, fees, &c.

A.D. 1839. ACT XXIII.*

AN ACT *for authorizing Sentences of Imprisonment, with or without Hard Labour, by Courts-martial in certain Cases:* PASSED *by the Honourable the President of the Council of India in Council, on the 23rd September,* 1839.

See Act XXVIII. 1841.

IT is hereby declared and enacted, that in all cases in which, by a general order of the Governor-General of India in Council, dated the 24th of February, in the year of our Lord 1835, it is made competent for courts-martial to sentence soldiers of the native army in the service of the East-India Company to the punishment of dismissal from such service, it is and shall be lawful to sentence such soldiers to be imprisoned, with or without hard labour, for any period not exceeding two years, if the sentence be pronounced by a general court-martial, or not exceeding one year if the sentence be pronounced by a garrison or line court-martial, or not exceeding six months if the sentence be pronounced by a regimental or detachment court-martial. And every soldier so sentenced to imprisonment with hard labour for any period whatever, or to imprisonment without hard labour for any period exceeding six months, shall, after confirmation of his sentence, be dismissed from such service; provided always, that all sentences under this Act pronounced by any court-martial inferior to a general court-martial shall require the confirmation of the general or other officer commanding the division or field force to which the person convicted belongs.

See Articles 84, 87, and 88, Act XIX. 1847.

Soldiers sentenced to dismissal may be imprisoned with or without labour.

* The provisions of this Act, as well as those of Acts II. 1840, and XXVIII. 1841, may perhaps be held to be superseded by the Articles of War in Act XIX. 1847.

A.D. 1839. ACT XXV.

AN ACT *for the Presidency of Bombay, limiting the Powers of Collectors as Magistrates and Assistant Collectors as Deputy Magistrates in certain Cases:* PASSED *by the Honourable the President of the Council of India in Council, on the 25th November*, 1839.

Repeal of enactments: powers of magistrates.

IT is hereby enacted, that Regulation IV. of 1831 be repealed, and that Clause Fourth, Section XI., and Clause Third, Section XXVII., of Regulation XVI. of 1827; Clause Fourth, Section XVI., of Regulation XVII. of 1827; and Clause Second, Section VIII., of Regulation XII. of 1827, of the Bombay code, so far as they relate to the penal jurisdiction of collectors as magistrates, be repealed; provided always, that the offences specified in the said sections, viz. Sections XI. and XXVII. of Regulation XVI. of 1827; Section XVI. of Regulation XVII. of 1827; and Section VIII. of Regulation XII. of 1827, shall be cognizable by magistrates and assistant magistrates under the general powers which are or hereafter may be vested in them by the Acts and Regulations applicable to the Bombay presidency.

A.D. 1839. ACT XXVIII.*

AN ACT *for the Regulation of Buildings in the Islands of Bombay and Colaba:* PASSED *by the Honourable the President of the Council of India in Council, on the 16th December*, 1839.

Rescissions.

I. IT is hereby enacted, that the first twelve articles of Rule, Ordinance, and Regulation III. of 1812, passed by the Governor of Bombay in Council, and the 18th, 25th, and all following articles of the same Rule, Ordinance, and Regulation, and the 1st, 2nd, 5th, and 7th articles of Rule, Ordinance, and Regulation III. of 1815, passed by the said authority, be repealed.

Certificate to be obtained before erecting or altering buildings in public thoroughfares.

II. And it is hereby enacted, that all persons intending to erect or rebuild any building within the islands of Bombay and Colaba which shall approach in any part within 25 feet of the edge or side of any public road, street, or other thoroughfare, or intending to alter any building within the said islands by extending the foundation thereof, so that any part of such foundation shall approach within the same distance of the edge or side of any such public place, shall, before commencing to do so, obtain from the

* Although this Act is in its general operation limited to the Court of Petty Sessions in Bombay, it is printed in this collection, because of certain references to duties to be performed by collectors, and to the powers of the Governor in Council.

It is enacted by Sec. ix. Act XI. 1845, that all sums ordered by this Act to be paid out of the County Fund shall henceforth be paid out of the Municipal Fund established by that Act.

collector of land revenue in Bombay a certificate of the specific ground intended to be used, and from the surveyor to the Court of Petty Sessions in Bombay an indorsement on such certificate, of the nature of the work which, consistently with the provisions of this Act, and with public convenience, and according to the intention of the party, can and is proposed to be executed.

Certificate to be indorsed by public surveyor:

III. And it is hereby enacted, that in all cases in which the surveyor to the said Court of Petty Sessions shall be satisfied that the intended building or alteration is in compliance with the provisions of this Act, and that no part of the ground to be covered thereby is wanted for public purposes, he shall indorse the said certificate as above enacted; and in case any party shall feel aggrieved by the withholding of such indorsement, or by the terms or restrictions of any such indorsement, he shall be at liberty to bring the matter of his complaint before the said Court of Petty Sessions, whose decision thereon shall be final; provided always, that no certificate, and no such indorsement thereof as aforesaid, and no decision of the said Court of Petty Sessions thereon, shall be construed as an adjudication upon, or as in any way affecting, the right or title of any person to the ground or building referred to in such certificate and indorsement, or any part thereof.

Effect of certificate and indorsement.

Deviations from original plan indorsed by the surveyor must be sanctioned.

IV. And it is hereby enacted, that should any person, having obtained a certificate and indorsement as aforesaid, find it desirable during the progress of the work to deviate from his original plan, he shall not be at liberty to do so without the sanction in writing of the said surveyor to the Court of Petty Sessions to such proposed deviation, with liberty, however, to the party to appeal to the said court as provided in Section III. of this Act.

Punishment for proceeding without certificate.

V. And it is hereby enacted, that should the erection, rebuilding, or such alteration as aforesaid of any such building, be commenced without such certificate and indorsement as above required, or contrary to the terms of any such certificate and indorsement (such deviation not having been duly sanctioned as aforesaid), every person offending herein shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 rupees.

Punishment for altering certificate or indorsement.

VI. And it is hereby enacted, that whoever shall alter any such certificate as aforesaid without the sanction of the collector of the land revenue and of the surveyor to the Court of Petty Sessions, or shall alter any indorsement thereon without the sanction of the surveyor to the Court of Petty Sessions, shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding Rs. 500, or by imprisonment in the house of correction for any time not exceeding four calendar months, with or without hard labour.

Buildings within the fort of Bombay.

VII. And it is hereby enacted, that no building hereafter to be erected within the walls of the fort of Bombay shall be erected higher than 50 feet measured from the surface of the street to the extreme of the roof; provided that light open balustrades or railings of any material not inflam-

mable may be added round the outer edge of the roof for the purpose of guarding against accident, but such balustrades or railings are to have no roof or covering; and all persons offending herein shall, on conviction before the said Court of Petty Sessions, be punishable by fine not exceeding Rs. 500.

Inflammable materials not to be used for buildings.

VIII. And it is hereby enacted, that no cadjans or other inflammable materials shall be made use of in the external roof or walls of any building within the fort-walls of Bombay, nor in the external part of any building without the fort-walls of Bombay, in any place or places within the islands aforesaid to be declared by the Governor of Bombay in Council, by proclamation in the Government Gazette, and that every person offending herein shall, on conviction before the said Court of Petty Sessions, be punishable by fine not exceeding Rs. 500.

Buildings not to interfere with watercourses or drainage.

IX. And it is hereby enacted, that no building of any description shall be erected in the islands of Bombay or Colaba in such manner as shall destroy, injure, or prejudicially interfere with any of the watercourses or the drainage of the said islands, or either of them, and upon notice being given by the said surveyor of the Court of Petty Sessions to the owner or other person under whose directions any work may be going on, that such work is injurious to and does or will interfere with any watercourse or the drainage of the said islands or either of them, such person shall immediately thereupon discontinue such work, and if he feels aggrieved by such notice, shall bring the matter of his complaint before the said Court of Petty Sessions, whose opinion and adjudication thereon shall be final; and in case such person shall not, on receiving such notice as aforesaid, discontinue the said work, he shall be punishable on conviction before the said Court of Petty Sessions, by fine not exceeding Rs. 500.

Powers of Court of Petty Sessions in respect of buildings interfering with watercourses or drains.

X. And it is hereby enacted, that in case the said Court of Petty Sessions on any appeal to them under the last preceding section, or upon special application of their surveyor, and after hearing the parties concerned, shall be of opinion that the work deemed objectionable by the said surveyor will destroy or be injurious to, or prejudicially affect, any of the watercourses or the drainage of the said islands, or either of them, then the said court shall make an order for the discontinuance and immediate removal of the said work, or of so much thereof as is objectionable: and in case the owner or other person conducting such work shall not obey such order, he shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding Rs. 500: and such work, or so much thereof as shall have been found to be objectionable, shall be forthwith taken down and removed by the surveyor of the said court, and the materials shall be sold and disposed of in the like manner as is hereinafter directed concerning the taking down of ruinous buildings.

Power of surveyor in stopping work, and in ordering objectionable work to be pulled down.

XI. And it is hereby enacted, that when any building within the islands of Bombay or Colaba shall be erected, rebuilt, or altered, in any manner contrary to the provisions of this Act, except as in the ninth section is mentioned, it shall be lawful for the surveyor to the Court of Petty Sessions to give notice to the person or persons so offending forthwith to discon-

tinue such work, and to pull down and clear away the same by a fixed day, and in the event of such work not being immediately discontinued, or of such order of removal not being complied with by the expiration of the time so fixed upon, the person or persons so disobeying such notice shall be punishable, on conviction before the said Court of Petty Sessions, by fine not exceeding Rs. 500; and the surveyor to the Court of Petty Sessions shall have power to cause the work to be taken down and removed, and to sell and dispose of the materials thereof in the like manner as is hereinafter directed concerning the taking down of ruinous buildings; provided always, that nothing herein contained shall prevent the person or persons to whom such notice shall be given appealing therefrom to the said Court of Petty Sessions, which said court shall have power to quash, alter, or confirm the same, and to extend the time named therein, and to punish any frivolous appeal with double costs.

Power of requiring ground for widening the thoroughfare when a building is pulled down.

XII. And it is hereby enacted, that every person rebuilding any building of which any part is situated within 25 feet of the edge or side of any public road, street, or other thoroughfare within the islands aforesaid, shall be liable to be required, for the purpose of widening such road, street, or other thoroughfare, to carry back his building so far and to give up so much of the site of the old building, or of the compound in which the same was standing, or of the unenclosed ground, if any, lying in front of the old building and between the same and the road, as shall be specified in the indorsement to be made on the certificate of the collector of land revenue under this Act; but such indorsement shall be subject in all cases to the revision and final decision of the said Court of Petty Sessions, in the event of an appeal thereto from the terms of the same, and the party so required shall be entitled to such compensation as is hereinafter provided.

Provision against evasions of the last section.

XIII. And with the view of preventing fraudulent evasions as to the giving up of ground under the last section, it is hereby enacted, that every person rebuilding, repairing, altering, or in any way strengthening the foundation or lower part of any building within 25 feet of the edge of any public road or street within the islands aforesaid, and then within three years therefrom substantially rebuilding the remaining part of the said building upon the old foundation or lower part so rebuilt, repaired, altered, or strengthened as aforesaid, shall be deemed to have rebuilt the entire building within the meaning of the last section.

Projecting steps.

XIV. And it is hereby enacted, that should any steps project into any public road, street, or other thoroughfare in front of any house, the space covered by such steps shall not be considered as part of the ground to be given up under this Act, but the ground to be given up shall be measured from the exterior of the building itself.

Power of Government to require ground for public improvements.

*XV. And it is hereby enacted, that the Court of Petty Sessions, with the sanction of the Governor of Bombay in Council, shall at all times have power and authority to require any ground within the islands of

* Sections XV. to XXI. inclusive are by Act XVII. 1850, extended to cases in which ground or buildings are required for railways.

Bombay or Colaba to be given up for the purpose of widening or altering any existing public road, street, or other thoroughfare, or drain, or for making any new public road, street, or other thoroughfare, or drain.

Compensation to owners of land required for public purposes.

XVI. And it is further enacted, that wherever ground required to be given up under any of the preceding clauses, or any building thereon, shall be, or be of the nature of, private property, or when, being ground of the Honourable Company, any substantial improvement shall have been made in the value thereof, the surveyor to the Court of Petty Sessions shall cause an estimate to be made of such private interest, or of any such improvement, and the amount of such estimate, if duly sanctioned by the Honourable the Governor in Council, or such other sum as that authority shall sanction, shall be offered by the said surveyor to the owner or other person in possession of the said ground or building, and if such offer be accepted, the amount thereof shall be paid to such owner or other person, whose receipt for the same shall be a sufficient release and discharge to the said Court of Petty Sessions, and thereupon the said Court of Petty Sessions shall become and be the legal owners of the said ground or building, for the purposes of this Act, and all and every person or persons interested in the premises shall be thenceforth, to all intents and purposes, divested of all right, title, and interest of, in, or to the same; provided always, that nothing herein contained or hereby authorized shall have the effect of deciding that the person to whom any money shall be paid as aforesaid is in law or equity the owner of any part of such money; and in case any conflicting claims shall be set up thereto before the same shall have been paid over, such sum shall be then dealt with in the manner provided in Section XXI. hereinafter contained.

Jury to settle amount of disputed compensation.

XVII. And it is further enacted, that where such offer shall be made as aforesaid, and the person or persons to whom the same shall be made shall refuse to accept the same, as being less than the value of the said property or interests, then and in such case the Court of Petty Sessions shall cause the value of the property or interests, for which compensation is to be given, to be ascertained by a jury of twelve indifferent men resident on the island, to be summoned by the sheriff in manner hereinafter mentioned; and the said Court of Petty Sessions is hereby empowered to call before the said jury, by a written notice for that purpose to be given, and to examine upon *oath*, all persons who shall be thought necessary and capable of giving evidence concerning the premises; and the said court shall cause the said jury to view the property in question, and shall use all other lawful means, as well for their own as for the said jury's information on the premises; and after the said jury shall have so settled the value of the said property or interest, such valuation so made shall be final and conclusive, to all intents and purposes against all persons, and the amount thereof shall be paid as hereinafter mentioned.

Formation of the jury.

XVIII. And it is hereby enacted, that for summoning and returning a jury under the last preceding clause, the said Court of Petty Sessions shall have authority, from time to time, to issue their warrant to the said sheriff of the town of Bombay, thereby requiring him to summon and return an indifferent jury of twenty-four persons resident on the island of

Bombay, to be selected from the petit jury-list for the time being, to appear before the said Court of Petty Sessions, at such time and place as in the said warrant shall be appointed, of which time and place all parties interested shall have ten days' notice in writing, to be given to the said parties personally or left at their usual place of abode; and the said sheriff is hereby required to summon and return such twenty-four persons accordingly, and out of the persons so summoned and returned, or out of such of them as shall appear, the said court shall cause to be sworn twelve, who shall be the jury for the purpose aforesaid; and all persons concerned shall have their lawful challenges against any of the said jurymen when they come to be sworn; and the said court acting in the premises shall have power to impose any reasonable forfeiture, not more than Rs. 200, upon any person who shall be summoned and returned on such jury and shall not appear, or who shall refuse to be sworn on such jury, or in any manner wilfully neglect his duty therein contrary to the meaning of this Act, and also upon any person who, having been duly summoned to give evidence touching any matter in question, shall refuse to appear, or appearing shall refuse to be examined or give evidence; which said forfeiture shall be and is hereby made payable to the Court of Petty Sessions for and on account of the *county* fund.

Fees and expenses, how to be paid.

XIX. And it is hereby enacted, that the said sheriff shall be allowed for every warrant to his bailiff for summoning every jury Rs. 10, and no more; and for every return of a jury Rs. 4, and no more; and for attending the Court of Petty Sessions on the impannelling every jury Rs. 15, and no more; and such fees and other expenses of and attending the assembling the said jury shall be borne and paid by the Court of Petty Sessions out of the *county* fund, if the valuation fixed by the said jury shall exceed the original offer made under Section XVI. of this Act, and by the other party if such valuation shall be equal to or less than the said offer; and in all cases where the said Court of Petty Sessions shall be entitled to receive any costs or expenses under this clause, the said court shall be empowered to levy and raise the same in the same manner as if the same were a fine or other penalty.

From what fund the compensation is to be paid: to be subject to same incumbrances as the property.

XX. And it is further enacted, that in all cases where money shall be paid to any person or persons as a compensation under this Act, the same shall be paid out of the *county* fund, and shall be subject to the same use or uses, and the same charges, liens, or incumbrances in all respects, as the interests or property for which such compensation shall be paid were subject to at the time of the payment thereof.

How compensation is to be disposed of where there are conflicting claimants.

XXI. And it is further enacted, that in every case wherein conflicting claims are set up to any property or interest which the Court of Petty Sessions may require for carrying into execution the purposes of this Act, and for which, under the provisions thereof any compensation shall be payable, such compensation shall be paid into the hands of the accountant-general of the Supreme Court of Bombay, for the use and benefit of such persons as shall appear entitled thereto by any decree or judgment of the said Supreme Court; and the receipt of the said accountant-general shall be a sufficient discharge to the Court of Petty Sessions, who shall, from the

date thereof, become and be the legal owners of the said ground or building for which such money shall be so paid.

Removal of parts of buildings encroaching upon or interfering with the thoroughfare.

XXII. And it is hereby enacted, that the surveyor to the said Court of Petty Sessions shall cause notice in writing to be given to the owner or occupier of any building or land within the islands aforesaid from which any gallery, balcony, roof, weather frame, spout, gutter, or other thing shall in future be made, which shall overhang or jut into, or in any way project or encroach upon any public road, street, or other thoroughfare, that he do take down, remove, alter, or regulate the same in such manner as not to incommode the public; and in case such owner or occupier shall refuse or neglect so to do for the space of fifteen days next after such notice shall have been given to him, the person or persons disobeying such notice shall be punishable, on conviction before the said Court of Petty Sessions, by fine not exceeding Rs. 500; and the said surveyor shall have power to cause the nuisance to be taken down and removed, and to sell and dispose of the materials thereof in like manner as is hereinafter directed concerning the taking down of ruinous buildings: provided always, that nothing herein contained shall prevent the person or persons to whom such notice shall be given appealing therefrom to the said Court of Petty Sessions, which court shall have power to quash, alter, or confirm the same, and to punish any frivolous appeal with double costs: provided also, that tiled roofs or weather frames of at least twelve feet high above the surface of any public road, street, or other thoroughfare, may be projected to the extent of two feet above the same.

Projection of roofs or weather frames over thoroughfare.

XXIII. And it is hereby provided, that it shall be lawful for the surveyor to the Court of Petty Sessions, with the approbation of the said court, to give permission in writing to the owner or occupiers of buildings in public thoroughfares twenty-five feet in width and upwards, within the islands aforesaid, to project tiled roofs or weather frames from the upper stories of their houses to the extent of three feet beyond their foundation, or over any public road, street, or other thoroughfare, and to the occupiers of buildings in exposed situations facing between the south and west in streets of the above width to make such projection to the extent of five feet.

Erection of scaffolds.

XXIV. And it is further enacted, that where any scaffolding shall be used in or near any public road, street, or other thoroughfare, in building, repairing, or altering any house or building within the islands aforesaid, it shall be lawful for the surveyor to the said Court of Petty Sessions, if he shall think fit so to do, to give notice in writing to the owner or occupier of such house, or building, or other person directing the work, to cause such scaffolding to be masked or covered on the outside thereof, so as to prevent anything falling therefrom to the injury of persons passing below; and if the owner, occupier, or other person as aforesaid, shall neglect to obey such notice within a reasonable time after receiving the same, such offender shall be punishable, on conviction before the Court of Petty Sessions, by fine not exceeding Rs. 500.

Roof tiles.

XXV. And it is further enacted, that the tiles of roofs within the said

islands shall be properly secured, so as to prevent their falling, to the injury of passengers on any public road, street, or other thoroughfare; and the owner or occupier of any house the tiles of which are not so secured shall, if he neglect to secure the same within one week after having received notice so to do from the said surveyor to the Court of Petty Sessions, be punishable, on conviction before the said court, by fine not exceeding Rs. 500.

Rain gutters and spouts.

XXVI. And it is hereby enacted, that it shall be lawful for the surveyor to the Court of Petty Sessions to give notice in writing to the owner or occupier of any house or building within the islands aforesaid, from which water may fall on any public road or ground, to put up such gutters or channels for catching and conveying the water elsewhere as may be necessary; and on non-compliance with such notice within one week from the time of receiving the same, the offender shall be punishable before the said Court of Petty Sessions by fine not exceeding Rs. 500.

Removal or repair of ruinous buildings.

XXVII. And it is hereby enacted, that when any building or any part thereof at or near any public road, street, or other thoroughfare in any part of the said islands, is in a ruinous condition, it shall be lawful for the said surveyor to the Court of Petty Sessions to cause a sufficient boarding or protection to be put up for the safety of all passengers; and the said surveyor shall cause notice in writing to be given to the occupier, if any, and if not, to cause a notice to be affixed to the door or other exposed part of such building, to repair or pull down the same within fourteen days from the date of such notice; and if such occupier or the owner do not begin to repair or take down the same within such term of fourteen days, and complete the same as soon as the case will admit, it shall be lawful for the surveyor to the Court of Petty Sessions to cause such building, or so much thereof as may be ruinous, to be taken down and removed in such manner as shall be requisite, and to sell and dispose of the materials thereof, and by and out of the moneys arising by the sale thereof, to reimburse himself, and all persons by him employed for the purpose, all the charges of putting up such boarding, and of taking down and removing such building, and of selling the said materials as aforesaid; and the surplus of such moneys, if any, shall be paid to the owner of such house or building, upon personal demand thereof made by such owner; and if no such demand be made, then to the Court of Petty Sessions, for the benefit of the person or persons entitled thereto; and if no demand shall be made to the said court for the money so paid in before the expiration of twelve calendar months from the receipt thereof by the said court, the same shall be added to, and become part of, the *county* fund.

Payment of surveyor's expenses.

XXVIII. And it is hereby enacted, that whenever the money produced by any sale to be made by the surveyor to the Court of Petty Sessions, under this Act, shall be deficient to cover the expenses of the said surveyor, and the persons employed by him, then the said Court of Petty Sessions shall pay such deficiency to the said surveyor out of the *county* fund, and shall have power to levy and raise the same by distress and sale of the goods and chattels of the offender, in the same manner in all respects as fines and penalties are levied by the said court.

Occupation of disused highways.

XXIX. And it is hereby enacted, that in case any part of the land constituting the public streets or roads, or other thoroughfares of the said islands beyond the limits of the town of Bombay, shall become useless and unnecessary for the purpose of a public highway, it shall be lawful for the Governor of Bombay in Council to direct the collector of land revenue of Bombay to take possession thereof for the use of the Honourable Company, and the collector of land revenue shall take possession thereof accordingly.

Punishment of builders and workmen for breaches of this Act.

XXX. And it is hereby enacted, that every head builder, master carpenter, master mason, or labourer, who shall, in erecting, rebuilding, or repairing, altering or adding to any building in Bombay or Colaba, knowingly offend against the provisions of this Act, shall be punishable, on conviction before the said Court of Petty Sessions, by fine not exceeding Rs. 500.

Levy and disposal of fines.

XXXI. And it is hereby enacted, that the amount of all fines and penalties, and costs in the nature of fines and penalty, that may be incurred and payable under this Act, shall be levied by warrant under the hands and seals of two or more of the magistrates in petty sessions, and when received, shall be added to and form part of the *county* fund; and if on such distress, property belonging to such offenders sufficient to make good the penalty be not found, such offender shall be committed by the said court to the house of correction, with or without hard labour at the discretion of the said court, for any time not exceeding three months, unless the said penalty be sooner paid.

Imprisonment.

Irregularities in executing distress.

XXXII. And it is hereby enacted, that where any distress shall be made for any sum or sums of money to be recovered by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect of form in any proceedings relating thereto, nor shall the party be deemed a trespasser *ab initio* on account of any irregularity afterwards done by the party making such distress, but the person or persons aggrieved by such irregularity may recover for the special damage only by action on the case, and not by any other action whatever.

Tenders of compensation for illegal proceedings.

XXXIII. And it is hereby enacted, that no plaintiff shall recover in any action for any such irregularity or other proceedings, if tender of sufficient amends be made by or on the behalf of the party or parties who committed or caused to be committed any such irregularity or wrongful proceeding before such action be brought; and in case no such tender shall have been made, it shall and may be lawful for the defendant or defendants in any such action, by the leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he or they shall see fit; whereupon such proceedings or order and judgment shall be had, made, or given, in and by such court, as in other actions when the defendant is allowed to pay money into court.

Notice of action, and limitation of suits under this Act.

XXXIV. And it is hereby enacted, that no action or suit shall be commenced against any person or persons for anything done in pursuance of

this Act, until twenty-one days after notice in writing of an intention to bring such action or suit has been given to the person or persons against whom such action or suit shall be brought, nor after the expiration of three calendar months next after the fact committed; and the defendant or defendants in every such action or suit may plead the general issue, and give this Act and any special matter in evidence at the trial, and that the matter or thing for which such action or suit is brought was done in pursuance and by the authority of this Act; and if the said matter or thing appear to have been so done, or if it shall appear that such action or suit was brought before the expiration of twenty-one days after such notice was given as aforesaid, or that sufficient satisfaction was made or tendered before such action was brought, or if any such action or suit be not commenced within the time herein for that purpose limited, then the court, in every such action or suit, shall find for the defendant therein; and if a verdict be found for the defendant, or if the plaintiff or plaintiffs in any such action or suit become nonsuited, or discontinue or suffer a discontinuance of any such action or suit, or if in any such action or suit judgment be given for the defendant therein on demurrer or by default, or otherwise, then, and in any of the cases aforesaid, the defendant shall have judgment to recover treble costs of suit, and shall have such remedy for recovering the same as any defendant or defendants may have by law for costs in other cases.

A.D. 1839. ACT XXXII.

AN ACT *concerning the Allowance of Interest in certain Cases:* PASSED *by the Honourable the President of the Council of India in Council, on the* 30*th December*, 1839.

Preamble.

I. WHEREAS it is expedient to extend to the territories under the government of the East-India Company, as well within the jurisdiction of her Majesty's courts as elsewhere, the provisions of the statute 3 & 4 Wm. 4, c. 42, s. 28, concerning the allowance of interest in certain cases:

From what times courts may allow interest on sums recovered.

It is, therefore, hereby enacted, that upon all debts or sums certain payable at a certain time or otherwise, the court before which such debts or sums may be recovered, may, if it shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the term of payment; provided, that interest shall be payable in all cases in which it is now payable by law.

A.D. 1840. ACT II.*

AN ACT *for regulating the Execution of Sentences of Imprisonment passed by Courts-martial in certain Cases:* PASSED *by the Honourable the President of the Council of India in Council, on the* 10*th February*, 1840.

Civil officers to give effect to sentences of imprisonment by courts-martial under Act XXIII. 1839.

I. IT is hereby declared and enacted, that whenever, under Act No. XXIII. of 1839, any sentence of a court-martial shall adjudge imprisonment, or imprisonment with labour, for any offence, it shall be the duty of every judge, magistrate, sheriff, or other officer in charge of any gaol, to give effect to such sentence on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the officer commanding the division, garrison, regiment, or detachment, as the case may be, to which the offender belongs.

See Act XXVIII. 1841, and Art. 84, Act XIX. 1847.

* The provisions of this Act, as well as those of Acts XXIII. 1839, and XXVIII. 1841, may perhaps be held to be superseded by the Articles of War, contained in Act XIX. 1847.

A.D. 1840. ACT V.

AN ACT *concerning the Oaths and Declarations of Hindoos and Mahometans:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 24*th February*, 1840.

Preamble.

I. WHEREAS obstruction to justice and other inconveniences have arisen in consequence of persons of the Hindoo or Mahometan persuasion being compelled to swear by the water of the Ganges, or upon the Koran, or according to other forms which are repugnant to their consciences or feelings:

Affirmation substituted for judicial oath.

It is hereby enacted, that, except as hereinafter provided, instead of any oath or declaration now authorized or required by law, every individual of the classes aforesaid within the territories of the East-India Company shall make affirmation to the following effect:—

> "I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

False affirmation punishable as perjury.

II. And it is hereby enacted, that if any person making such affirmation as aforesaid shall wilfully and falsely state any matter or thing, which, if the same had been sworn before the passing of this Act, would have amounted to perjury, every such offender shall be subject in all courts to the same punishment to which persons convicted of perjury were subject before the passing of this Act.

Subornation punishable.

III. And it is hereby enacted, that any person causing or procuring another to commit the offence defined in the second section of this Act

shall be subject in all courts to the same punishment to which persons convicted of subornation of perjury were subject before the passing of this Act.

IV. And it is hereby provided, that this Act shall not extend to any declaration made under the authority of Act No. XXI. of 1837, nor to any declaration or affirmation made in any of her Majesty's courts of justice.*

Not to extend to extra-judicial declarations,—not to Supreme Courts.

* This provision declared not to apply to the Courts of Justices of the Peace by Act II. 1847.

A.D. 1840. ACT XI.

AN ACT *for the Presidency of Bombay, amending the Law concerning Prisoners sentenced to Labour or Solitude:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 20th April,* 1840.

I. IT is hereby enacted, in modification of Clause Second, Section XLV. Regulation XIII. of 1827, of the Bombay code, that no prisoner confined in any part of the provinces under the presidency of Bombay shall be forced to labour in any manner, or be confined solitarily, unless such labour or solitary confinement be expressly directed by the sentence of the court under whose warrant he is confined; and no prisoner shall be forced to labour or be confined solitarily otherwise than according to his sentence.

Prisoners not to be kept in solitary confinement, nor forced to labour unless so sentenced.

II. And it is hereby enacted, in modification of Clause First, Section VII. Regulation XIV. of 1827, of the Bombay code, that wherever under the laws in force under that presidency a prisoner may be sentenced to imprisonment with labour, it shall be lawful for the court pronouncing such sentence to direct that solitary confinement be combined with the punishment of imprisonment with labour.

Court passing sentence of hard labour may add solitary confinement.

III. And it is hereby provided, that nothing in this Act contained shall be construed to be applicable to convicts undergoing the punishment of transportation, or to legal restraint or punishment for breaches of prison discipline.

Restriction as to convicts.

A.D. 1840. ACT XV.

AN ACT *for extending Regulations XV. of* 1827 *and XIII. of* 1830, *of the Bombay Code, to the Agents of Foreign Sovereigns:* PASSED *by the Right Honourable the Governòr-General of India in Council, on the* 29*th of June,* 1840.

Power of extending Regulations XV. 1827, and XIII. 1830.

IT is hereby enacted, that the provisions of Regulations XV. of 1827 and XIII. of 1830, of the Bombay code, be made applicable to the agents of foreign sovereigns having lands and possessions in the British territory of the Bombay presidency, and to guardians and such other individuals as the Governor in Council of Bombay may consider it expedient to invest with the powers contained in the aforesaid Regulations; provided, that in all cases the authority conferred shall be revocable at the discretion of the Governor in Council of Bombay.

A.D. 1840. ACT XVI.

AN ACT *concerning the Management of Convicts transported to Places within the Territories of the East-India Company:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 3*rd of August,* 1840.

Preamble.

I. WHEREAS doubts have arisen touching the legal mode of treating convicts transported to places within the territories of the East-India Company, and it is expedient to modify the rules which have heretofore been followed with regard to the management of such convicts: See Act XVIII. 1845.

The services of transported convicts belong to the person appointed by the Governor-General in Council.

It is hereby declared and enacted, that as soon as any offender shall be delivered to the person or persons to be appointed by the Governor-General in Council, on that behalf, at the place to which he is transported, the property in the service of such offender shall be vested in such person or persons during the term of transportation.

Power of Governor-General in Council to appoint persons to receive convicts.

II. And it is hereby declared and enacted, that it shall be lawful for the Governor-General in Council to appoint the governor or other authority at any place within the territories of the East-India Company, or to appoint one or more superintendents at any such place as the persons to whom convicts undergoing transportation shall be delivered, and in whom the property in the service of such convicts shall be vested as aforesaid.

Governor-General in Council may frame rules for the treatment of transported convicts.

III. And it is hereby declared and enacted, that it shall be lawful for the Governor-General in Council to issue orders from time to time to any such governor, authority, or superintendent, and which orders are hereby required to be duly executed, and to frame rules touching the classifica-

tion of convicts, their confinement, treatment, and discipline, and touching such moderate correction as may be necessary in cases of misbehaviour and disorderly conduct, and of neglect or disobedience in the service of those persons in whom the property of such service may be vested as aforesaid.

This Act to apply to convicts now enduring transportation.

IV. And it is hereby declared and enacted, that all persons who have heretofore been transported to any place within the territories of the East-India Company, and whose terms of transportation are not yet expired, shall be subject to the provisions contained in this Act; and nothing heretofore done with respect to offenders who have been so transported in conformity with the provisions of this Act, or by the orders or with the sanction of Government, shall be called in question in any court of law.

A.D. 1840. ACT XVIII.

AN ACT *to regulate the granting and withholding Licenses for the Sale of Liquors within the Islands of Bombay and Colaba:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 10*th August,* 1840.

See Act V. 1842.

Collector and senior magistrate may issue licenses.

I. IT is hereby enacted, that all powers and duties now vested by law in her Majesty's justices of the peace in Bombay with respect to granting and withholding licenses for the sale of arrack, toddy, and other spirituous and fermented liquors, within the Islands of Bombay and Colaba, shall, from and after the passing of this Act, be vested in and discharged by the collector of land revenue, and the senior magistrate of police in Bombay jointly; but the said justices, at quarter sessions assembled, shall have power in their discretion to quash such licenses or to withdraw the same, on the breach of any of the conditions thereof.

Justices at quarter sessions may withdraw.

Form of licenses.

II. And it is hereby enacted, that the Honourable the Governor in Council shall have authority at all times to regulate the form of licenses to be granted for the sale of arrack and other liquors aforesaid in Bombay, and to vary and add to the terms and conditions thereof.

Effect of this Act.

III. And it is further enacted, that nothing herein contained shall have the effect of repealing or altering any laws now in force touching the sale of spirituous liquors in Bombay or Colaba otherwise than as such laws are hereby repealed or altered.

A.D. 1840. ACT XXII.

AN ACT *for the Punishment of Vagrants within the Towns of Calcutta and of Madras, and the Islands of Bombay and Colaba, extorting Alms by offensive and disgusting Exhibitions and Practices:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 23rd November,* 1840.

Preamble.

I. WHEREAS great inconvenience is experienced in the towns of Calcutta and of Madras, and in the Islands of Bombay and Colaba, from mendicants who endeavour to extort alms by offensive and disgusting exhibitions and practices:

Punishment for extorting alms by offensive exhibitions and practices.

It is hereby enacted, that persons within the town of Calcutta or of Madras, or within the Islands of Bombay and Colaba, who shall seek to extort alms by offensively exhibiting any bodily ailment or deformity, or by any offensive or indecent practices, or by inflicting, or threatening to inflict, bodily injury on themselves, shall be liable, on conviction before any justice of the peace, to imprisonment, with or without labour, for a term not exceeding one calendar month.

Punishment for a second offence.

II. And it is hereby enacted, that all persons guilty a second time of any of the above offences shall be liable, on conviction before a justice of the peace, to imprisonment with hard labour for a term not exceeding twice the period assigned for the first offence, and for the same term upon any subsequent conviction.

Punishment for resistance to officers attempting to apprehend.

III. And it is hereby enacted, that persons guilty of any of the offences above mentioned who shall violently resist any peace officer attempting to apprehend them, shall be liable, on conviction before a justice of the peace, to imprisonment with or without hard labour for a term not exceeding three calendar months.

Governor-General in Council may extend operation of this Act.

IV. And it is hereby enacted, that it shall be lawful for the Governor-General in Council, from time to time, by notice in the Gazette, to extend the provisions of this Act to any towns or districts besides the places specified in this Act.

A.D. 1840. ACT XXIII.

AN ACT *for executing within the local Limits of the Jurisdiction of her Majesty's Courts legal Process issued by Authorities in the Mofussil:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 30th November,* 1840.

Preamble.

I. WHEREAS great inconvenience has been experienced in consequence of the difficulty of procuring the attendance as witnesses before the Mofussil authorities of persons resident within the local limits of her Majesty's Supreme Courts, and in consequence of justice being often frustrated by reason of persons and property within such limits being exempted from process issued by such authorities, which has also occasioned inconvenience to the inhabitants within such limits, in suits in the Mofussil courts to which they are parties:

How process of the East-India Company's courts may be executed within the limits of Supreme Courts.

It is hereby enacted, that any writ, warrant or other process issued by any court, judge, or magistrate in the territories beyond the local limits of the Supreme Courts of Calcutta, Madras, and Bombay respectively, may be executed within those limits in manner following:—A copy of such writ, warrant, or other process, authenticated as such by the attestation of the court, judge, or magistrate signing or issuing the same, accompanied by a certified translation in the English language, shall be presented to any judge of her Majesty's courts, who may thereupon, under his hand and signature, indorse and direct the same to be executed within the local limits of any of her Majesty's courts by the sheriff, or by any justice of the peace, according to the nature of such writ, warrant, or other process.

Sheriff, how to proceed in the execution of such process.

II. And it is hereby provided, that upon the delivery of every such writ, warrant, or process so indorsed as aforesaid, to any such sheriff as aforesaid, every such sheriff shall make a memorandum of the date of such delivery, and shall execute such writ, warrant, or process in like manner as if the same had originally issued from any of her Majesty's courts, and had been delivered at the date as appearing by the memorandum; and such sheriff shall make no distinction as to priority or otherwise between the execution of any writ, warrant, or other process originally issued from any of her Majesty's courts, and the execution of any writ, warrant, or other process under this Act; but every writ, warrant, and other process, whether original or indorsed as aforesaid, shall, amongst each other, be subject to the same rules touching the mode and order of execution as are now established in respect of writs, warrants, and other process originally issued from her Majesty's courts of justice.

Liability of sheriff in such cases.

III. And it is hereby enacted, that every such sheriff shall be liable to be proceeded against in her Majesty's courts of justice for all matters touching the execution of any writ, warrant, or other process executed under this Act, in like manner as if the same had originally issued from any of her Majesty's courts of justice; and all persons and property seized

or detained under any writ, warrant, or process executed by virtue of this Act shall be dealt with in like manner as if such persons or property had been seized or detained under the like writ, warrant, or other process issued from any of her Majesty's courts of justice.

Punishment for obstruction of service.

IV. And it is hereby enacted, that all persons disobeying or obstructing the execution of any writ, warrant, or other process indorsed under this Act, shall be punishable in her Majesty's courts of justice, in like manner as if the same had issued from such courts: provided always, that in the case of process for the attendance of witnesses, her Majesty's courts shall be governed by the like rules, touching expenses and other matters, as are established in regard to subpœnas issued from such courts.

Parties arrested under such proceedings to be delivered as directed by the writ.

V. And it is hereby enacted, that in the case of persons seized or detained by virtue of any writ, warrant, or other process executed under the authority of this Act by any justice of the peace or by any sheriff, it shall be the duty of every such sheriff or justice of the peace, if so required by the indorsement of the judge, to deliver the party in custody to such authority or persons as shall be particularly specified in such indorsement, and who shall have been charged with the execution of the writ, warrant, or other process by the authority originally issuing the same, and for that purpose to cause the party in custody to be conveyed to any place within the Company's territories beyond the local limits of the jurisdiction of her Majesty's courts.

Writ may be returned for amendment to the authority issuing it.

VI. And it is hereby provided, that in the case of any writ, warrant, or other process required to be indorsed under the authority of this Act, it shall be lawful for the judge who shall be required to indorse the same to remit the same for amendment to the authority issuing the same, if the same shall appear to be defective in any matter of form.

Judge indorsing such writs may direct bail to be taken.

VII. And it is hereby provided, that in the case of any writ, warrant, or other process required to be indorsed under the authority of this Act, for the seizure or detention of any person, it shall be lawful for the judge who shall be required to indorse the same to direct by indorsement that bail (the amount and number of sureties to be specified in such indorsement) may be taken, and for this purpose to call for such documents and to make such inquiry as he shall think proper.

Persons sentenced to imprisonment by Mofussil authorities, and arrested under this Act, may be confined in jails within the jurisdiction of the Supreme Courts.

VIII. And whereas it is expedient that offenders sentenced by the Mofussil authorities to imprisonment with or without hard labour should be subjected to the most improved rules of prison discipline, which cannot in all cases be conveniently done except in the prisons locally situate within the jurisdiction of her Majesty's Supreme Courts, it is hereby enacted, that all civil and criminal gaols and houses of correction within the jurisdiction of any of her Majesty's Supreme Courts shall, according to the nature of the case, be liable to be used by the sheriff for the purposes of this Act; and the parties imprisoned therein under the authority of this Act shall be liable to the prison discipline thereof; and all sentences of imprisonment passed by any judge, court, or magistrate, in the territories of the East-India Company beyond the local limits of her Majesty's Supreme Courts, may be

executed in whole or in part within any of the gaols or houses of correction aforesaid, provided that a copy of the warrant of commitment or other process authorizing the imprisonment be so indorsed as aforesaid, and such indorsement contain the necessary directions.

A.D. 1841. ACT II.

AN ACT *for regulating the sale of Ganja and Bhang within the Presidency of Bombay:* PASSED *by the Right Honourable the Governor in Council, on the 10th of May,* 1841.

Penalty for selling ganja or bhang without a license.

I. IT is hereby enacted, that any person who shall sell by retail ganja, or bhang, within the territories subject to the presidency of Bombay, without having obtained a license from the collector of land revenue, in the manner hereinafter provided, shall be punishable by fine not exceeding Rs. 30, or by imprisonment for one month.

Collector to grant licenses.—Fees.

II. And it is hereby enacted, that the collector of land revenue in each zilla shall grant to all persons applying for them, licenses in the form of Appendix (A), to be in force for one year, and shall charge for the same a fee of such amount as the Governor of Bombay in Council shall, from time to time, determine.

APPENDIX (A).

Form of License to retail Bhang or Ganja.

Form of license.

I, A. B., collector of ——— hereby license C. D., by caste ———, inhabitant of ———, to sell by retail ganja and bhang within the village (town or district) of ——— for one year from the date hereof.

(Signed) A. B., Collector.

Collector's office,
——— day of ———

A.D. 1841. ACT V.

AN ACT *for the greater Uniformity of the Process upon Trials for State Offences, and the Amendment of such Process in certain Cases:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 31*st May*, 1841.

Preamble.

I. WHEREAS it is expedient that the rules of process for the trials of state offences should be modified with a view to uniformity at the different presidencies; and whereas some of the rules heretofore in force at particular presidencies require amendment:

Crimes against the state may be tried by the ordinary tribunals.

It is hereby enacted, in modification of all Regulations and parts of Regulations affecting process upon trials for state offences, that it shall be competent for the ordinary tribunals to try charges of treason, rebellion, or other crime against the state.

Local government may issue commission for trial of state offences.

II. And it is hereby enacted, that it shall be competent for the Government of any presidency to issue a commission for the trial of any offences of treason, rebellion, or crime against the state, by one or more judges, together with such law officers as shall be required, or without any such officer, according as it may be deemed expedient.

Powers and duties of such commission.

III. And it is hereby enacted, that the courts convened under such commissions are to try the prisoners brought before them in the same manner as in trials before the ordinary courts; and shall exercise all powers and authorities vested in such courts, except that their sentence, whether of acquittal or punishment, shall in every instance be reported with their proceedings to the highest court of the East-India Company for criminal matters of the presidency, previous to carrying the same into execution; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided by any Regulation of the respective presidencies, or by any Act of the Governor-General of India in Council, by the special orders which they may receive from the Executive Government, or from the highest court of the East-India Company for criminal matters in the presidency.

Commission how to proceed if any member die or be absent.

IV. And it is hereby enacted, that in case of the death, or of the absence, from indisposition or other cause, of any of the judges, or law officers of the courts which may be appointed to try offenders under this Regulation, the remaining judge or judges, or law officer or officers, shall be competent to form a court, and proceed with the trial or trials, until provision can be made by the Government of the presidency for supplying the place of such judge or judges, or law officer or officers, if any such provision shall be deemed necessary; or if no such provision be made, the powers and proceedings of the said courts shall not be affected by the death or absence of such judge or judges, or law officer or officers.

V. And it is hereby enacted, that the highest courts of the East-India Company for criminal matters of the respective presidencies, on the receipt of any trials referred to them under this Act, are to proceed thereupon according to the rules in force with respect to other trials referred to them; except that they are in every instance to report their sentences to the executive Government of the presidency for the time being; and are to wait the orders of Government for the period of three calendar months, before they direct their sentence to be carried into execution.

Sudder Courts, how to proceed in cases referred to them.

VI. And it is hereby enacted, that the magistrates of the several zillahs and cities, where any person or persons shall be charged with the crimes mentioned in this Act, shall give immediate notice thereof to the Government of the presidency to which their several districts or cities belong, and shall pay immediate and strict attention to all orders which may be transmitted to them by their respective Governments for the apprehension of persons charged as aforesaid, or for making any inquiry respecting such persons, or for committing them to take their trials before the ordinary courts, or before the special courts described in this Act.

Magistrates to notify charges of state offences to the local Government.

VII. And it is hereby enacted, that this Act shall not be construed to alter or affect the jurisdiction of any of her Majesty's Supreme Courts of Justice.

Not to affect the jurisdiction of the Supreme Courts.

A.D. 1841. ACT VII.

An Act *for a more uniform and an improved Process for taking the Examination of Absent Witnesses:* Passed *by the Right Honourable the Governor-General of India in Council, on the* 14*th of June*, 1841.

I. It is hereby enacted, that all Regulations and parts of Regulations for taking the examination of absent witnesses in any presidency are hereby repealed.

Rescission of former provisions for examining absent witnesses.

II. And it is hereby enacted, that it shall be lawful for any court within the territories under the government of the East-India Company, and the several judges thereof, in every civil proceeding depending in such court, upon the application of any of the parties to such proceeding, to order the examination, upon interrogatories or otherwise, before any officer of any such court, or other person or persons named in such order, of any witnesses within the jurisdiction of the court where the proceeding shall be depending—or to order a commission to issue to any subordinate court for the examination of such witnesses upon interrogatories or otherwise—or to order a commission to issue to any other court for the examination of witnesses at any place or places out of such jurisdiction upon interrogatories or otherwise—and by the same or any subsequent order or orders to give all such directions for taking such examinations, as well within the

In civil proceedings, all courts may order examination of witnesses on interrogatories,

and may issue commissions to other courts.

Provisos.

jurisdiction of the court wherein the proceeding shall be depending as without, as may appear reasonable and just. Provided always, that any court to whom any such commission shall be directed shall take the examination in open court in all cases where witnesses are able to attend in court and are not exempted from attendance by law, absolutely, or at the discretion of the court. Provided also, that such commissions as aforesaid for the examination of witnesses out of such jurisdiction may be directed otherwise than to some court, under special circumstances which may appear to the court issuing the commission to render such special direction expedient. Provided also, that all commissions issued and orders made by any court of the East-India Company, and which are required to be executed within the local limits of any of her Majesty's Supreme Courts, shall be directed in manner hereinafter mentioned.

Witnesses within a court's jurisdiction may be ordered to attend and produce documents.

III. And it is hereby enacted, that when any order shall be made for the examination of witnesses, within the jurisdiction of the court wherein any such proceeding as aforesaid shall be depending, by the authority of this Act, it shall be lawful for the court, or any judge thereof, in and by the first order to be made in the matter, or any subsequent order, to command the attendance of any such person to be named in such order, and to direct the attendance of any such person to be at his own place of residence, or elsewhere, if necessary or convenient so to do, and to produce all necessary documents and papers. And the wilful disobedience to any such order shall be deemed a contempt of court, and punishable as in other cases of refusing or neglecting to give testimony. Provided always, that every person whose attendance shall be required under this Act shall be entitled to the like payment for expenses and loss of time as upon attendance in court in cases where such expenses are now allowed.

Power of commissioners to administer affirmations.

IV. And it is hereby enacted, that it shall be lawful for every court or person authorized to take the examination of witnesses by any order or commission issued in pursuance of this Act, and they are hereby authorized and required to take all such examinations upon oath or affirmation where an affirmation is admissible or required upon a trial; and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and every person causing or procuring another person to commit the offence of perjury hereby defined shall be guilty of subornation of perjury.

Inquiry to be made before issuing commission.

V. And it is hereby enacted, that before any order or commission for the examination of any witness under this Act shall be issued, the court or judge issuing the same shall be satisfied that there is good reason for believing that the witness will be unable to attend at the usual time for examination, by reason of absence from the jurisdiction, sickness, or other cause allowed by law. And before granting any such commission, the court granting the same shall make particular inquiry as to the present residence of the witness whose deposition is to be taken under such commission, and as to the court of the same degree as the court granting such commission, or of inferior degree to such court, which may be nearest to the place of residence of the witness; and the commission shall ordinarily

be directed to such court of equal or inferior degree as may most conveniently execute the same. Provided, however, that if there be doubt as to which is the most convenient court of equal or inferior jurisdiction, such commission may be directed to the judge having jurisdiction within the district within which the commission is to be executed. And the judge shall, at his discretion, execute the commission in his own court, or direct it to any subordinate court within his district, which shall have the same effect for all the purposes of this Act as if the commission had in the first instance been directed to such subordinate court. And no deposition taken under this Act, except as hereinafter mentioned, shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the court, or dead, or unable, from sickness or infirmity, to attend to be personally examined, or distant without collusion more than fifty coss from the place where the court is held, or exempted by law, absolutely or at the discretion of the court, from personal appearance in court, or unless the court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorize the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same; and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the court, at its discretion, to authorize the reading of the deposition. And all depositions taken under this Act, being duly certified, may be read, at the discretion of the court, without proof of the signature to such certificate.

Judge, to whom a commission may be directed may authorize a subordinate authority to execute it.

VI. And it is hereby enacted, that any court other than one of her Majesty's courts, or any judge thereof, may issue such commissions as aforesaid, and such orders as are indicated in the second and third sections of this Act to be executed within the local limits of the jurisdiction of any of her Majesty's courts, and all such commissions and orders, except when directed otherwise than to a court, shall be directed to a Court of Requests having jurisdiction within such limits, or any part thereof.

Commissions may be directed to Courts of Requests.

VII. And it is hereby enacted, that such commissions and orders as aforesaid may be issued for execution under this Act within the territories of Princes and States in alliance with the East-India Company, and all persons within such last-mentioned territories being in the service of the East-India Company are hereby required to pay obedience thereto, and for disobedience thereof shall, on being found within the jurisdiction of the court or judge issuing any such commission or order, be punishable in like manner as if such offence had been committed within such jurisdiction; and for giving false testimony under the same, shall be punishable by any court of justice within the territories of the East-India Company.

Commissions may be executed in territories of states in alliance.

VIII. And it is hereby enacted, that whenever the evidence of any absent witness shall be required out of the jurisdiction of the court in which the proceedings for which the evidence is wanted may be pending, and the commission shall be directed to any court, such court may punish

Any court executing a commission may punish for contempt.

the wilful disobedience of any such order as aforesaid as a contempt, notwithstanding it shall not itself have made such order, with the same amount of punishment as in other cases of refusing or neglecting to give testimony.

A.D. 1841. ACT X.

AN ACT *for prescribing the Rules to be observed, in order that Ships or Vessels belonging to Ports within the Territories under the Government of the East-India Company, or belonging to Native Princes or States, or their Subjects, may become entitled to the Privileges of British Ships under a Proclamation of the Governor-General of India in Council, made in pursuance of the Statute 3rd and 4th Victoria, Chapter LVI.*: PASSED *by the Right Honourable the Governor-General of India in Council, on the 5th of July*, 1841.

Preamble.

I. WHEREAS by a statute passed in the third and fourth years of her Majesty Queen Victoria, entitled, "An Act to regulate the trade of ships built and trading within the limits of the East-India Company's Charter," it is enacted, "that it shall be lawful for the Governor-General of India in Council, by proclamation, to declare that all ships or vessels built or to be built within the limits of the Charter of the East-India Company, being owned by her Majesty's subjects for whom the said Governor-General in Council has power to legislate, and belonging, under the Regulations hereinafter provided for, to any ports in the territories under the Government of the said Company, shall be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope, and the territories and dependencies thereof; provided that upon such declaration being made, the said Governor-General in Council shall, and the said Governor-General in Council is hereby accordingly empowered, to make Regulations, to be enforced by suitable penalties, concerning the registering, licensing, and ascertaining the admeasurement of the tonnage and burden, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas it is further enacted in the same statute as follows, that is to say, "And whereas it may be expedient to admit to similar privileges and advantages any ships or vessels belonging to Native Princes or States in subordinate alliance with, or having subsidiary treaties with the East-India Company, or owned by subjects of any such Princes or States, be it therefore enacted, that the Governor-General of India in Council may by such Regulations as aforesaid, such Regulations being subject as aforesaid, admit to the privileges and advantages of British ships for the purposes of trade within the limits of the Charter of the said Company, including the Cape of Good Hope, and the territories and dependencies thereof, or to any of such privileges and advantages, any ships or vessels belonging to such Princes or States, or any of them, or owned by subjects of any such Princes or States; but any such Regulations shall provide for the granting to such ships or vessels fit and convenient

See Act XI. 1850.

licenses or passes, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas, in pursuance of such enactments, it is expedient to frame such Regulations as are mentioned therein, the compliance with which shall be required in order that ships or vessels may be deemed British ships, or be admitted to the privileges and advantages of British ships under such proclamation as aforesaid:

Ships to be registered. Certificate of registry.

It is hereby enacted, that no ship or vessel shall be deemed a British ship under such proclamation as aforesaid (except as regards ships or vessels registered before the passing of this Act, or having a pass at the time of passing thereof), unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned within the territories of the East-India Company, and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as hereinafter directed; the form of which certificate shall be as follows:

"This is to certify, that, in pursuance of the Act No. X. of 1841, of the Governor-General of India in Council (here insert the names and occupation and residence of subscribing owners), having made and subscribed the declaration required by the said Act, and having declared that (he or they), together with (names, occupations, and residence of non-subscribing owners), (is or are) sole owner or owners, in the proportions specified on the back hereof, of the ship or vessel called the (ship's name), of (place at which the vessel shall be registered), which is of the burthen of (number of tons), and whereof (master's name) is master, and that the said ship or vessel was (when and where built); and (name and employment of surveying officer) having certified to us, that the said ship or vessel has (number) decks and (number) masts, that her (here insert the measurement as ascertained by the rules hereinafter mentioned), that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carvel or clincher) built, has (whether any or no) gallery, and (kind of head, if any) head: and the said subscribing owners having consented and agreed to the above description, the said ship or vessel, called the (name), has been duly registered at the port of (name of port).

"Certified under our hands at the custom-house, in the said port of (name of port), this (date) day of (name of month) in the year (words at length).

"(Signed) ————, Collector or Register of Shipping."

And on the back of such certificate of registry there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following:—

Names of several Owners within mentioned.	Number of shares held by each Owner.
Name	Thirty-two.
Name	Sixteen.
Name	Eight.

"&c. &c.

"(Signed) ———, Collector."

Ports of registry.

II. And it is hereby enacted, that the ports at which registration shall be made shall be the ports of Calcutta, Madras, Bombay, Singapore, and such other places subordinate to the local Governments of India, as such Governments respectively may, from time to time, declare to be registering ports under this Act. Provided, that ships or vessels built at any place other than any of such ports shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered, under a certificate to be granted by the principal British officer at the place where the ship is built, or if there be no British officer in authority there, then by three merchants of such place, which certificate shall contain all the particulars with regard to the ownership and description of the ships or vessels contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act, during the first voyage from the place of building to the ports at which the ships or vessels respectively shall be afterwards registered. Provided that such ships or vessels, so proceeding on their first voyage as aforesaid, shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not registered within a reasonable time after their arrival at the port of registry, the owner or owners, or master or other person having or taking the command or charge of such ship or vessel, shall be liable, on information in any court of her Majesty or the East-India Company by the Advocates-General of the respective presidencies, to a penalty not exceeding Rs. 5,000.

Registrars.

III. And it is hereby enacted, that the persons authorized to make such registry, and to grant such certificates as aforesaid, shall be the persons now authorized to make registry of ships or vessels under the Statute 3 & 4 Wm. 4, c. 55, and such other or different persons as the local Governments may, from time to time, appoint for the ports under their respective presidencies.

Book of registry.

IV. And it is hereby enacted, that at every port where registry shall be made in pursuance of this Act, a book shall be kept by the registering officer, in which all the particulars contained in the form of the certificate of the registry, hereinbefore directed to be used, shall be duly entered; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year. And such registering officer shall forthwith, or within one month at the furthest, send to the Government of the presidency to which he is subordinate a true and exact copy, together with the number of every certificate which shall be by him so granted.

Declaration.

V. And it is hereby enacted, that no registry shall henceforth be made, or certificate be granted, until the following declaration be made or subscribed before the registering officer, by the owner or major part of the owners of the ship or vessel required to be registered.

I, A. B., of (place of residence and occupation), do truly declare that the ship or vessel (name), of (port or place), whereof (master's name) is at present master, being (kind of build, burthen, et cetera, as described in

the certificate of the surveying officer) was (when and where) built, and that I, the said (A. B.), and the other owners (names and occupations, if any, and where they respectively reside) am (or are) sole owner (or owners) of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I, the said (A. B.), and the said other owners (if any) am (or are) truly and bonâ fide a subject (or subjects) of her Majesty for whom the Governor-General of India in Council has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship or vessel. Provided that if the registering officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate, and his discretion exercised in this behalf shall be subject only to an appeal to the local Government to which he is subordinate.

Declaration when some of the joint owners cannot attend.

VI. And it is hereby enacted, that in case the required number of joint owners of any ship or vessel shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner or owners as shall personally attend and make and subscribe the declarations aforesaid, shall further declare that the part owner or part owners of such ship or vessel then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

Measurement to be made.

VII. And in order to enable the registering officer to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other officers of customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted, it is hereby enacted, that previous to the registering or granting of any certificate of registry as aforesaid, some one or more person or persons appointed by the local Governments respectively, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships, shall go on board of every such ship or vessel that is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel, as to all and every particular contained in the form of the certificate hereinbefore directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence, by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description, and admeasurement of every such ship or vessel, as are specified in the form of the certificate above recited, to the officer authorized to make such registry and grant such certificate of registry as aforesaid; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of

the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Rules of measurement.

VIII. And it is hereby enacted, that from and after the commencement of this Act the tonnage of every ship or vessel required by law to be registered shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule: (that is to say), divide the length of the upper deck between the afterpart of the stem and the forepart of the sternpost into six equal parts. Depths: At the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the underside of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: Divide each of those three depths into five equal parts, and measure the inside breadths at the following points; videlicet, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: At half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register. If the vessel have a poop or half-deck, or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulkhead; multiply these three measurements together, and dividing the product by 92·4, the quotient will be the number of tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

Measurement of steam-vessels.

IX. And it is hereby provided, that in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine-room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register-tonnage of the said ship or vessel. The tonnage due to the cubical contents of the engine-room shall be determined in the following manner; that is to say, measure the inside length of the engine-room in feet and decimal parts of a foot from the foremost to the aftermost bulkhead, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92·4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine-room.

X. And it is hereby provided, that the tonnage due to the cubical contents of the engine-room, and also the length of the engine-room, shall be set forth in the certificate of registry as part of the description of the ship or vessel, and that any alteration of such tonnage due to the cubical contents of the engine-room, or of such length of the engine-room, after registry, shall be deemed to be an alteration requiring registry de novo within the meaning of the said Act for the registering of ships or vessels.

Alterations in steam-vessels requiring new registry.

XI. And it is hereby enacted, that, for the purpose of ascertaining the tonnage of all such ships, whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed, and is hereby established: that is to say, measure, first, the length on the upper deck between the afterpart of the stem and the forepart of the sternpost; secondly, the inside breadth on the underside of the upper deck at the middle point of the length; and, thirdly, the depth from the underside of the upper deck down the pump-well to the skin; multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register-tonnage of such ships.

Measurement of laden vessels.

XII. And it is hereby enacted, that the true amount of the register-tonnage of every merchant-ship or vessel belonging to the United Kingdom to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures, of at least three inches in length, on the main beam of every such ship or vessel, prior to her being registered.

Registered tonnage to be marked.

XIII. [Country craft not exceeding two hundred tons.] *Repealed by Sec. 1. Act XI.* 1850.

XIV. And it is hereby enacted, that whenever the tonnage of any ship or vessel shall have been ascertained according to the rules herein prescribed, such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form of burthen of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

Registered tonnage to be repeated in every subsequent register.

XV. And it is hereby enacted, that if such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person or persons whatever than those for whose use it is granted, or shall be made use of for the service of any other ship or vessel than the ship or vessel for which it is granted, such certificate shall thenceforth be utterly void, and the master or any owner of the ship or vessel who shall be proved to have sold, lent, or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable, upon conviction by information as aforesaid, to a penalty not exceeding Rs. 10,000. And in case such ship or vessel shall be lost or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account

Fraudulent use of certificate.

have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown or the East-India Company, or shall under any circumstances have been registered de novo, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in the territories of the East-India Company, to the registering officer at such port, in default whereof the master or any of the owners shall be liable, on conviction by information as aforesaid, in a penalty not exceeding Rs. 5,000. And if any person not being such subject as aforesaid shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of the territories of the East-India Company, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the registering officer at such port; and if such ship or vessel shall be in any place not within the territories of the East-India Company when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or vessel, or of the master thereof, in any port of the territories of the East-India Company, to the registering officer at such port, in default whereof the master or any of the owners shall be liable, on conviction before any justice of the peace, in a penalty not exceeding Rs. 5,000, recoverable in manner provided by Act No. II. of 1839.

Change of master.

XVI. And it is hereby enacted, that when and so often as the master of any ship or vessel registered in manner hereinbefore directed shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons hereinbefore authorized to make such registry and grant such certificates of registry at the port where such change shall take place, if it be a port within the territories of the East-India Company, the certificate of registry belonging to such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers, which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within the territories of the East-India Company, then such delivery, memorandum, and indorsement shall be made, and notice given at the first port within the territories of the East-India Company at which the new master shall arrive after such change. In default of which delivery of the certificate, such new master or any of the owners shall be liable, on conviction before a justice of the peace, to a penalty not exceeding Rs. 5,000, recoverable as aforesaid.

Name of ship.

XVII. And it is hereby enacted, that it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel other than that by which she was first registered in pursuance of this Act, and that the owner or owners of all and every ship or vessel which

shall be so registered shall, before such ship or vessel, after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same; and that if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in any wise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper, or other document, describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described by any other name to any officer or officers of revenue in the due execution of his or their duty, then and in every such case the certificate of registry shall thenceforth become utterly void, and such owner or owners, or master or other person having or taking the charge or command of such ship or vessel shall be liable, on information as aforesaid, to a penalty not exceeding Rs. 10,000.

Certificate of building.

XVIII. And it is hereby enacted, that all and every person and persons who shall apply for a certificate of the registry of any ship or vessel shall, and they are hereby required to produce to the person or persons authorized to grant such certificate, a true and full particular under the hand of the builder of such ship or vessel, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, and shall also make and subscribe a declaration, before the person or persons hereinbefore authorized to grant such certificate, that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid.

Certificate lost or mislaid.

XIX. And it is hereby enacted, that if the certificate of registry of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the registering officer of the port at which the ship is registered, such officer shall and may, where the certificate shall have been lost or mislaid, permit such ship or vessel to be registered de novo, and a certificate thereof to be granted. Provided always, that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such registering officer shall and may grant a license for the present use of such ship or vessel, which license shall for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act. Provided always, that if the certificate of registry shall at any time afterwards be found, the same

shall be forthwith delivered to the proper officers of customs to be cancelled, and that no illegal use be made of the same; in default whereof, the original certificate and the renewed certificate and license shall thenceforth become utterly void, and any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable, on conviction before any justice, in a penalty not exceeding Rs. 5,000, recoverable as aforesaid.

Detention of certificate.

XX. And whereas it is not proper that any person under any pretence whatever should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted, it is therefore hereby enacted, that in case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any such ship or vessel (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or vessel, or not) shall wilfully detain and refuse to deliver up the same to the proper officers of customs, for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed master, or as the ostensible and reputed owner or owners thereof, it may and shall be lawful to and for any such last-mentioned person to make complaint on oath of such detainer and refusal to any justice of the peace residing near to the place where such detainer and refusal shall be, and on such complaint the said justice shall and is hereby required, by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal; and if it shall appear to the said justice, on examination of such person or otherwise, the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be subject, on conviction before such justice, to a penalty not exceeding Rs. 1,000, recoverable as aforesaid; and the said justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel, who shall, on the terms and conditions of law being complied with, make registry of such ship or vessel de novo, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered de novo; and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded so that the said warrant of the justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the registering officer of the port at which the ship or vessel was registered, it shall be lawful for the said officer to permit such ship or vessel to be registered de novo, or otherwise, in his discretion, to grant a license for the present use of such ship or vessel in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

Registration de novo.

XXI. And it is hereby enacted, that if any ship or vessel, after she shall have been registered pursuant to the directions of this Act, shall

in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or vessel, or of any share or shares thereof, in such cases such ship or vessel shall be registered de novo, in manner hereinbefore required, as soon as she returns to the port to which she belongs, or to any other port within the territories of the East-India Company; on failure whereof, such ship or vessel shall be deemed to be a ship or vessel not duly registered, and any person making use of a certificate for the purposes of any ship or vessel which has been granted in respect of the same, after the same ought to have been registered de novo, shall be liable, on conviction before any justice, to a penalty not exceeding Rs. 5,000, recoverable as aforesaid.

Testimony of registering officers.

XXII. And whereas great inconvenience may arise from the registering officers being served with subpœnas requiring them to bring with them and produce, on trials in courts of law, relative to the ownership of vessels, or otherwise, the declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry, or copies or extracts therefrom: And whereas it would tend much to the dispatch of business if the attendance of such registering officers with the same upon such trials were dispensed with, it is therefore hereby enacted, that the registering officer at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examination any declaration made by any such owner or owners, and also any register or entry in any book or books of registry required, and shall, upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies, or an extract or extracts thereof respectively, and that the copy and copies of any such oath or declaration, registry or entry, shall, upon being proved to be true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of any registering officer, or other person or persons acting for them respectively, in all cases, as fully and to all intents and purposes as such original or originals if produced by any registering officer, or other person or persons acting for them, could or might legally be admitted or received in evidence.

False declaration.

Falsifying documents.

XXIII. And it is hereby enacted, that if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration—or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act—or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified—or shall wilfully grant such certificate or other instrument in writing knowing it to be false, such person or persons shall for every such offence be liable, on conviction upon information as aforesaid, to a penalty not exceeding Rs. 10,000. And if any such offence be committed by the owner of any ship or vessel, the certificate of such ship or vessel shall thenceforth be wholly void.

Ships of native states.

XXIV. And it is hereby enacted, that when any ship or vessel duly registered under this Act, or sailing under the British Navigation Law, shall come to be owned by a Native Prince or State, or by any subject of such Native Prince or State as aforesaid, it shall be lawful for the Governor of Fort William in Bengal, or for the Governor in Council of any Presidency, to continue to such ship or vessel the privileges and advantages of a British ship for the purposes aforesaid, by a pass to be issued under the Company's Seal and subscribed by a Secretary to Government, stating the voyage or voyages for which the same is to have effect, and the period for which it is to last; and it shall be lawful for the Governor of Fort William in Bengal, or the Governor in Council of any presidency, to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid, under this Act, to any ship or vessel built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of their subjects. Provided always, that the ships belonging to Native Princes or States, or their subjects, in respect of which passes may be granted under this Act, shall, during the voyage or voyages, or the period for which any such pass shall be granted, be commanded by a subject of her Majesty for whom the Governor-General in Council has power to legislate.

See Act XI. 1850.

Fees.

XXV. And it is hereby enacted, that the fees demandable in respect of the granting any certificate or pass under this Act shall be fixed, from time to time, according to the directions of the Governor-General in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships or vessels at the different presidencies.

Ports to which ships belong.

XXVI. And it is hereby declared and enacted, that all ships or vessels registered under this Act shall be deemed to belong to the ports at which they shall be respectively registered. And all ships or vessels being registered, or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall, for the purpose of being deemed British ships, be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. And such ships or vessels built and owned as required by the Statute 3 & 4 Vict. c. 56, shall continue subject to all the rules in force at the respective presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretofore have been necessary in order that ships or vessels built and owned as aforesaid might be deemed British ships for the purposes of trade.

PROCLAMATION.

Proclamation.

The Governor-General of India in Council hereby declares, that all ships and vessels built or to be built within the limits of the Charter of the East-India Company (as those limits are defined by the Statute 3rd

and 4th of Queen Victoria, c. 56, entitled "An Act further to regulate the Trade of Ships built and trading within the Limits of the East-India Company's Charter"), being owned by her Majesty's subjects for whom the said Governor-General in Council has power to legislate, and belonging, under the provisions of the Act passed by the Governor-General in Council, No. X. of 1841, to any ports in the territories under the Government of the East-India Company, shall be deemed to be British ships for all purposes of trade within the said limits, including the Cape of Good Hope and the territories and dependencies thereof.

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*A.D. 1841. ACT XI.

AN ACT *for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the Service of the East-India Company:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 5th of July,* 1841.

All regulations respecting Military Courts of Requests repealed. Powers of single officers appointed for trial of small suits in bazars and cantonments not to be affected.

I. IT is hereby enacted, that all Regulations and parts of Regulations concerning Military Courts of Requests are repealed; provided always, that nothing in this Act contained shall be held to alter or affect the jurisdiction of a single officer duly authorized and appointed, under the Rules in force in the Madras and Bombay presidencies, for the trial of small suits in military bazars at cantonments and stations occupied by the troops of those presidencies respectively, or the trial by punchayet of suits against military persons according to the rules in force under the Madras presidency.

Personal actions for an amount under Rs. 200 against persons amenable to the Articles of War cognisable only in a military court.

† See Article 137, Act XIX. 1847.

II. And it is hereby enacted, subject to the aforesaid proviso, that within the territories of the East-India Company, actions of debt and other personal actions against native officers, soldiers, and other persons† amenable to the Articles of War for the native forces in the military service of the East-India Company, or residing within any station or cantonment, and carrying on any trade or business in a military bazar, shall be cognizable before a Military Court, and not elsewhere, provided the value in question shall not exceed Rs. 200, and the defendant was a person of the description above mentioned, when the cause of action arose, and when the suit was instituted. Provided that no suit shall be brought before any Military Court under this Act to determine any dispute of caste, or concerning any right to real property.

Proviso.

Commanding officer to convene the courts: how they are to be composed.

III. And it is hereby enacted, that the commanding officer of any station or cantonment, or officer commanding any portion of troops in the field, is authorized to convene such Military Courts. And such courts

* The Articles of War in force at Bombay when this Act was passed were contained in Regulation II. 1829; they were superseded by those issued in Act XX. 1845, and these last were repealed by Act XIX. 1847, in which the new Articles of War were promulgated.

All camp-followers were declared amenable to this Act by Act XII. 1842.

shall be composed, according to the orders of the Commander-in-Chief for the time being of the presidency within which the station or cantonment is situate, or, in the absence of such orders, according to the discretion of the convening officer, either of not less than three European commissioned officers, or of not less than three native commissioned officers, and, in the latter case, with a European officer of not less than five years' standing, to superintend and record the proceedings. Provided that if there be not a sufficient number of officers to constitute a court at the station or cantonment where any cause of action may arise, or where the defendant may be residing, the suit shall be determined at the nearest station or cantonment where a Military Court can be duly constituted as aforesaid.

Proviso.

Courts to be convened monthly.

IV. And it is hereby enacted, that such Military Court shall be convened monthly, and shall be holden on some convenient day before the issue of the pay for each month.

Forms of proceedings.

V. And it is hereby enacted, that the forms of proceeding in every such court shall be conformable to the usages observed on trials before courts-martial held for the native troops in the service of the East-India Company as far as the same are applicable. And any such court shall have the like power of summoning witnesses as is possessed by courts-martial. Provided always, that every such court shall have the power of examining the parties to any suit, and of requiring or dispensing with their attendance at its discretion. And every such court shall have the like power of taking the examinations of absent parties and witnesses as is possessed by the Civil Courts of the East-India Company, under Act No. VII. of 1841, provided that the depositions taken under a commission issued by any Military Court of Requests shall be receivable in evidence before any such court subsequently held: Provided also that commissions may be issued by Military Courts of Requests under this Act pursuant to the provisions of Act No. VII. of 1841, notwithstanding the courts to which the commissions may be directed are not situate beyond the jurisdiction of such Military Courts.

Examination of the parties and their witnesses.

Punishment of recusant witnesses, perjury and subornation of perjury.

VI. And it is hereby enacted, that witnesses omitting to attend, refusing to give evidence, or committing perjury, and persons suborning witnesses to commit perjury, shall be tried and punished, if amenable to Articles of War, by a court-martial, subject to all the rules contained in such Articles of War for the punishment of such offences in regard to trials for military offences; and if not amenable to Articles of War, they may be tried and punished in the nearest of the courts of the East-India Company for the administration of criminal justice (whether such court have ordinarily jurisdiction over such person in criminal matters or not) in like manner as if such offences had been committed in regard to any trial before such nearest court.

Contempt of the court, how punishable.

VII. And it is hereby enacted, that any person, civil or military, European or native, using menacing words, signs, or gestures, or otherwise interrupting (whether being personally present or not) the proceedings of any Military Court of Requests, shall be punishable, if amenable to Articles of War, by a court-martial, or if not amenable to Articles of War, in the

nearest of the courts of the East-India Company for the administration of criminal justice (whether such court have ordinarily jurisdiction over such person in criminal matters or not), in like manner as if the offence had been committed in regard to any proceeding of the court to which it is so referred.

Record of proceedings to be kept.

VIII. And it is hereby enacted, that a record shall be kept of proceedings in every case tried before any Military Court of Requests. And such record shall contain the substance of the evidence given, and the nature of such evidence as may have been rejected on the ground of its not being legally admissible, or relevant, or on other grounds, and the same shall be signed by the members of the said court. And such record, or a copy thereof, shall, with as little delay as is practicable, after the conclusion of the proceedings, be transmitted by the European president, or superintending officer of every such court, to the officer commanding the station or cantonment.

Rs. 200 only recoverable, and judgment for that amount to bar all further claims on same account.

IX. And it is hereby enacted, that where a demand shall exceed the amount of Rs. 200, or where several separate demands shall exceed such amount, no more shall be recoverable from any one defendant by the same plaintiff or plaintiffs than the sum of Rs. 200 only—and the judgment in respect of any demand in a Court of Requests shall be a bar to the recovery of the same demand, or of any other or further demand for the same cause of action, in any other court whatever, provided that the liability accrued before the time of instituting the suit in the Military Court—and it shall be competent for every such Military Court to investigate any counter-claim alleged by any defendant. And it shall be competent for every such Military Court to allow the interest for money agreed on between the parties, provided the same does not exceed the usage of the country in ordinary money transactions. And every contract made after the passing of this Act upon which a demand for debt exceeding Rs. 20 is founded, not being money due for goods bought and delivered, shall be in writing, and expressed in the language of the defendant, and signed by him, or on his behalf, by some other person than the plaintiff. Provided that it shall not be competent to any Court of Requests to admit any suit for a debt which has accrued upwards of six years, unless a direct promise to pay made within six years of the commencement of the suit be proved.

Interest.

Contracts for sums above Rs. 20 to be in writing.

Limitation of time.

Suits may be in absence of parties neglecting to proceed.

X. And it is hereby enacted, that on failure of either of the parties to a suit to attend either personally or by representative, or to produce his witnesses, according as he shall be required by any Military Court of Requests, such court, on being satisfied that the party has been duly apprized of what is required of him, may proceed to the termination of the suit in his absence. And if the decree in any such case shall be against the plaintiff, it shall not be competent for him to commence a new suit for the same cause of action.

Commanding officer may return decision for revision: second decree annullable only by Commander-in-Chief. New evidence may be adduced on new trial.

XI. And it is hereby enacted, that it shall be lawful for the commanding officer to whom the proceedings have been transmitted as aforesaid to return the same for revision either by the same or another Military Court of Requests. And in every such case the second decree shall be

final, unless for error in points of law, when the same shall be transmitted to the Commander-in-Chief, who shall have power to annul the proceedings without prejudice to any future suit. Provided always, that in the case of any new trial, the court may receive evidence which was not adduced at the first trial.

How claims are to be preferred and brought on.

XII. And it is hereby enacted, that every plaintiff shall prefer his claim in writing, and shall deliver the same to the station staff-officer. The claims shall be entered in a schedule by the station staff-officer, which schedule is to be sent to adjutants of corps or heads of departments two days at least before the assembly of the court, and the adjutants or heads of departments shall be responsible that the defendants belonging to their respective corps or establishments have been duly summoned.

Decrees to be published in station orders before execution.

XIII. And it is hereby enacted, that every decree of any Military Court of Requests shall be published in the station orders before the same is executed.

Execution of the decree may be general or special.

XIV. And it is hereby enacted, that the execution of decrees of Military Courts of Requests may be either general or special, according to the sentence of the court. Provided always, that the commanding officer may, notwithstanding the direction of the court, order that the execution shall be general or special at his discretion.

Under general execution, debt to be paid forthwith, or levied by sale of goods.

Imprisonment of persons not soldiers.

Deductions from pay of soldiers.

XV. And it is hereby enacted, that in cases in which the execution is to be general, the debt, if not paid forthwith, shall, under the authority of the commanding officer in writing to be signed by him, be levied by seizure and public sale of such of the debtor's goods (under which term are included houses or other erections within the limits of stations and cantonments) as may be found within the limits of the station or cantonment, or elsewhere; and if sufficient goods are not to be found, the debtor, if not a soldier, shall be arrested and imprisoned in any civil gaol near to the station or cantonment (for which purpose the provisions of Act No. II. of 1840 shall be applicable), or in any other convenient place of confinement situate within the limits of the station or cantonment, for the space of two months, unless the debt be sooner paid, and his goods, if found within the limits of the station or cantonment, or elsewhere, at any subsequent time, shall be liable to be seized and sold in satisfaction of the debt. And if the debtor be a soldier, and the debt be not liquidated by sale of his effects (accoutrements and necessaries excepted), an order may be issued for payment of the residue by monthly deduction from the pay issued to the debtor under the rules which follow.

Under special execution, debt to be liquidated by deductions from pay.

Amount of deductions.

XVI. And it is hereby enacted, that where the execution is to be special, the debt shall be satisfied out of the pay and allowances of the debtor, and not otherwise. And a certificate of the decree and direction, or order thereon, certified under the hand of the commanding officer, and signed by him, shall be a sufficient authority for making such stoppages. Provided always, that no more than one-half of the pay and allowances of any commissioned officer, or than one-fourth of the pay and allowances of any non-commissioned officer or soldier, shall be stopped in any one month.

XVII. And it is hereby enacted, that in places beyond the frontier of the territories of the East-India Company, actions of debt and other personal actions may be brought before such Military Courts as aforesaid, against persons so amenable as aforesaid, for any amount of demand: Provided that such Military Courts beyond the frontier shall be composed of European officers; and provided, that if the amount of claim shall exceed Rs. 200, an appeal shall lie to the Court of Sudder Adawlut of the nearest presidency, according to the rules in force with regard to appeals from subordinate Civil Courts.

Beyond the frontier, actions may be brought for any amount:

Appeal in cases above Rs. 200.

XVIII. And it is hereby enacted, that this Act shall not affect the proceedings upon any suit heretofore commenced, or which shall be commenced before the 10th day of August next.

Not to affect suits brought before 10th August, 1841.

A.D. 1841. ACT XIII.

An Act *for explaining the Provisions of Act No. XXV. of* 1836: Passed *by the Right Honourable the Governor-General of India in Council on the* 16*th of August*, 1841.

I. It is hereby declared and enacted, that the import duty on wine and spirits in casks shall be settled on the quantities registered at the time of importation without any deduction whatsoever: Provided always, that the keeper of every warehouse, indicated by Act No. XXV. of 1836, shall, in accounting with the customs department for the article so warehoused, be allowed ullage on such wine and spirits, at the rate of 10 per cent. for one year, according to the time for which such wine and spirits shall have been lodged.

How import duty on wines and spirits shall be settled.

A.D. 1841. ACT XVI.

An Act *concerning the taking of Oaths of Qualification by Justices of the Peace:* Passed *by the Right Honourable the Governor-General of India in Council, on the* 30*th of August*, 1841.

I. Whereas inconvenience has arisen in consequence of pursuing the course heretofore deemed necessary for taking of oaths by justices of the peace, in order that they may be duly qualified to act under commissions of the peace:—It is hereby enacted, that all persons who are or shall be nominated and appointed in any commission of the peace, shall be capable of acting as justices of the peace in every respect, according to the tenor of such commission, upon taking and subscribing, in any civil or criminal court of justice within the places in and for which any such commis-

Justices of the peace may qualify by taking oaths in any civil or criminal court.

sion shall have issued, before the officer presiding in such court, whether such officer be a justice of the peace or not, the oaths appointed to be taken by justices of the peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the courts of justice in which the said oaths shall have been administered.

Who may be deemed to have been duly qualified.

II. And it is hereby enacted, that every justice of the peace who, before the passing of this Act, shall have had administered to him the oaths of qualification by any other justice of the peace, shall be deemed to have been duly qualified to act as a justice of the peace from the time of taking such oath, and shall continue so qualified notwithstanding such oath may not have been taken in a court of justice as required by any previous law, or by this Act.

A.D. 1841. ACT XVIII.

AN ACT *for consolidating and amending the Enactments concerning the Exportation of Military Stores:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 30th of August,* 1841.

Arms and military stores can be exported only under license.

I. IT is hereby enacted, that arms, ammunition, and military stores (with the exception of arms in the possession of individuals for private use) shall not be exported, or otherwise taken from the territories of the East-India Company, without a license from a public officer or officers for each presidency, to be indicated by the Governments of the respective presidencies for the purpose of granting such licenses, and a full compliance with all such rules and conditions as may be prescribed for the guidance of such officer or officers in regard to such exports by the aforesaid Governments respectively. And any arms, ammunition, or military stores which any person shall export, or attempt to export, or take as aforesaid, contrary to this Act, shall thereby become forfeited, on the award of the officer or officers authorized as aforesaid to grant licenses, or the collector of customs; and every person offending in the premises contrary to this Act shall be liable, on conviction before a magistrate, to a penalty not exceeding Rs. 500.

More than 50 lbs. of gunpowder may not be kept in one place without a license.

II. And it is hereby enacted, that any person who shall collect or keep in one place, or within places not exceeding three miles in distance from each other, any quantity of gunpowder exceeding fifty pounds, without a license from such officer as aforesaid, shall be liable, on conviction before a magistrate, to a penalty not exceeding Rs. 500, and such gunpowder shall become forfeited on the award of the officer or officers authorized to grant licenses as aforesaid, or the collector of customs.

Local Governments may allow such exportations without license.

III. And it is hereby enacted, that it shall be lawful for any of the Governments aforesaid, to allow, at any port or ports, the exportation of arms, ammunition, and military stores as aforesaid, without any such license as aforesaid, as they shall deem expedient.

A.D. 1841. ACT XIX.

[EXTENDED TO BOMBAY BY ACT VIII. 1842.]

AN ACT *for the Protection of moveable and immoveable Property against wrongful Possession in Cases of Successions:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 6th of September,* 1841.

Preamble.

I. WHEREAS much inconvenience has been experienced, where persons have died possessed of moveable and immoveable property, and the same has been taken upon pretended claims of right by gift or succession; the difficulty of ascertaining the precise nature of the moveable property in such cases, the opportunities for misappropriating such property and also the profits of real property, the delays of a regular suit when vexatiously protracted, and the inability of heirs when out of possession to prosecute their rights, affording strong temptations for the employment of force or fraud in order to obtain possession. And whereas, from the above causes, the circumstance of actual possession, when taken upon a succession, does not afford an indication of rightful title equal to that of a decision by a judge after hearing all parties in a summary suit, though such summary suit may not be sufficient to prevent a party removed from possession thereby from instituting a regular suit. And whereas such summary suit, though it will take away many of the temptations which exist for assuming wrongful possession upon a succession, will be too tardy a remedy for obviating them all, especially as regards moveable property. And whereas it may be expedient, prior to the determination of the summary suit, to appoint a curator to take charge of property upon a succession, where there is reason to apprehend danger of misappropriation, waste, or neglect, and where such appointment will, in the opinion of the authority making the same, be beneficial under all the circumstances of the case. And whereas it will be very inconvenient to interfere with successions to estates by the appointment of curators, or by summary suits, unless satisfactory grounds for such proceedings shall appear, and unless such proceedings shall be required by or on the behalf of parties giving satisfactory proof that they are likely to be materially prejudiced if left to the ordinary remedy of a regular suit:—

Persons claiming a right in property of deceased persons may apply to judge of Civil Court.

It is hereby enacted, that whenever a person dies leaving property, moveable or immoveable, it shall be lawful for any person claiming a right by succession thereto, or to any portion thereof, to make application to the judge of the court of the district where any part of the property is found or situate for relief, either after actual possession has been taken by another person, or when forcible means of seizing possession are apprehended.

Agents and the Court of Wards may likewise apply.

II. And it is hereby enacted, that it shall be lawful for any agent, relative, or near friend, or for the Court of Wards in cases within their cognizance, in the event of any minor, disqualified, or absent person being

entitled by succession to such property as aforesaid, to make the like application for relief.

What inquiry the judge is to make.

III. And it is hereby enacted, that the judge to whom such application shall be made shall, in the first place inquire, by the solemn declaration of the complainant, and by witnesses and documents at his discretion, whether there be strong reasons for believing that the party in possession or taking forcible means for seizing possession has no lawful title, and that the applicant, or the person on whose behalf he applies, is really entitled and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and that the application is made bonâ fide.

Judge may decide summarily the right to possession.

IV. And it is hereby enacted, that in case the judge shall be satisfied of the existence of such strong ground of belief, but not otherwise, he shall cite the party complained of, and give notice of vacant or disturbed possession by publication, and after the expiration of a reasonable time, shall determine summarily the right to possession (subject to regular suit as hereinafter mentioned), and shall deliver possession accordingly—provided always, that the judge shall have the power to appoint an officer who shall take an inventory of effects, and seal or otherwise secure the same, upon being applied to for the purpose, without delay, whether he shall have concluded the inquiry necessary for citing the party complained of or not.

May appoint an officer to take temporary charge.

Judge may appoint a curator.

V. And it is hereby enacted, that in case it shall further appear, upon such application and examination as aforesaid, that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, and that the delay in obtaining security from the party in possession, or the insufficiency thereof, is likely to expose the party out of possession to considerable risk, provided he be the lawful owner; it shall be lawful for the judge to appoint one or more curators with the powers hereinafter next mentioned, whose authority shall continue according to the terms of his or their respective appointments, and in no case beyond the determination of the summary suit and the confirmation or delivery of possession in consequence thereof. Provided always, that, in the case of land, the judge may delegate to the collector or to his officer the powers of a curator, and also that every appointment of a curator in respect of any property be duly published.

In cases of land, the collector may be the curator.

For what period possession may be given to curator.

VI. And it is hereby enacted, that the judge shall have power to authorize such curator, either to take possession of the property generally, or until security be given by the party in possession, or until inventories of the property shall have been made, or for any other purpose necessary for securing the property from misappropriation or waste by the party in possession. Provided always, that it shall be entirely discretionary with the judge, whether he shall allow the party in possession to continue in such possession on giving security, or not, and any continuance in possession shall be subject to such orders as the judge may issue touching inventories, or the securing of deeds or other effects.

In what cases party may be continued in possession.

Security to be given

VII. And it is hereby enacted, that the judge shall exact from the

curator security for the faithful discharge of his trust, and for rendering satisfactory accounts of the same as hereinafter mentioned, and may authorize him to receive out of the property such remuneration as shall appear reasonable, but in no case exceeding 5 per centum on the personal property, and on the annual profits of the real property. All surplus moneys realized by the curator shall be paid into court, and invested in public securities for the benefit of the persons entitled thereto upon adjudication of the summary suit. Provided always, that although security shall be required from the curator with all reasonable despatch, and, where it is practicable, shall be taken generally to answer all cases for which the person may be afterwards appointed curator, yet no delay in the taking of security shall prevent the judge from immediately investing the curator with the powers of his office.

by curator.—His responsibility.

VIII. And it is hereby enacted, that, where the estate of the deceased person shall consist wholly or in part of land paying revenue to Government, in all matters regarding the propriety of citing the party in possession, of appointing a curator, and of nominating individuals to that appointment, the judge shall demand a report from the collector, and the collector is hereby required to furnish the same. In cases of urgency the judge may proceed, in the first instance, without such report, and he shall not be obliged to act in conformity thereto; but, in case of his acting otherwise than according to such report, he shall immediately forward a statement of his reasons to the Court of Sudder Dewanny Adawlut, and the Court of Sudder Dewanny Adawlut, if they shall be dissatisfied with such reasons, shall direct the judge to proceed conformably to the report of the collector.

In cases of land, what communication the judge shall hold with the collector.

IX. And it is hereby enacted, that the curator shall be subject to all orders of the judge regarding the institution or the defence of suits, and that all suits may be instituted or defended in the name of the curator on behalf of the estate. Provided that an express authority shall be requisite in the sunnud of the curator's appointment for the collection of debts or rents; but such express authority shall enable the curator to give a full acquittance for any sums of money received by virtue thereof.

Curator may conduct suits on behalf of estate.

X. And it is hereby enacted, that pending the custody of the property by the curator, it shall be lawful for the judge to make such allowances to parties having a primâ facie right thereto, as, upon a summary investigation of the rights and circumstances of the parties interested, he shall consider that necessity may require, taking, at his discretion, security for the repayment thereof with interest, in case the party shall, upon the adjudication of the summary suit, appear not to be entitled thereto.

Judge may grant allowance to claimant pending inquiry.

XI. And it is hereby enacted, that the curator shall file monthly accounts in abstract, and at the period of every three months, if his administration last so long, and, upon giving up the possession of the property, file a detailed account of his administration to the satisfaction of the judge.

Curator to render monthly and quarterly accounts.

XII. And it is hereby enacted, that the accounts of any such curator

Curator's accounts open to inspection.

as is above described shall be open to the inspection of all parties interested; and it shall be competent for any such interested party to appoint a separate person to keep a duplicate account of all receipts and payments by such curator. And if it be found that the accounts of any such curator are in arrear, or if they shall be erroneous or incomplete, or if the curator shall not produce them whenever he shall be ordered to do so by the judge, he shall be liable to a fine not exceeding Rs. 1,000 for every such default.

Punishment for false accounts, or for delay in rendering.

In what cases several curators may be appointed.

XIII. And it is hereby enacted, that after the judge of any district shall have appointed any curator, such appointment shall preclude the judge of any other district within the same presidency from appointing any other curator, provided the first appointment be in respect of the whole of the property of the deceased. But if the appointment be only in respect of a portion of the property of the deceased, this shall not preclude the appointment within the same presidency of another curator in respect of the residue or any portion thereof; provided always, that no judge shall appoint a curator or entertain a summary suit in respect of property which is the subject of a summary suit previously instituted under this Act before another judge—and provided further, that if two or more curators be appointed by different judges for several parts of an estate, it shall be lawful for the Sudder Dewanny Adawlut to make such order as it shall think fit for the appointment of one curator of the whole property.

Limitation.

XIV. And it is hereby provided, that this Act shall not be put in force, unless the aforesaid application to the judge be made within six months of the decease of the proprietor, whose property is claimed by right in succession.

Directions of deceased proprietors to be attended to.

XV. And it is hereby enacted, that this Act shall not be put in force to contravene any public act of settlement. Neither in cases in which the deceased proprietor shall have given legal directions for the possession of his property after his decease in the event of minority or otherwise, in opposition to such directions; but, in every such case, so soon as the judge having jurisdiction over the property of a deceased person, shall be satisfied of the existence of such directions, he shall give effect thereto.

Reservation of the rights of the Court of Wards.

XVI. And it is hereby provided, that this Act shall not be put in force, for the purpose of disturbing the possession of the Court of Wards of any presidency; and in case a minor, or other disqualified person, whose property shall be subject to the Court of Wards, shall be the party on whose behalf application is made under this Act, the judge, if he determines to cite the party in possession and also appoint a curator, shall invest the Court of Wards with the curatorship of the estate pending the suit, without taking such security as aforesaid, and in case the minor or other disqualified person shall, upon the adjudication of the summary suit, appear to be entitled to the property, possession shall be delivered to the Court of Wards.

Not to bar regular suits.

XVII. And it is hereby provided, that nothing in this Act contained shall be any impediment to the bringing of a regular suit either by the

party whose application may have been rejected, before or after citing the party in possession, or by the party who may have been evicted from the possession under this Act.

Summary decision as to possession final.

XVIII. And it is hereby enacted, that the decision of the judge upon the summary suit under this Act shall have no other effect than that of settling the actual possession; but that for this purpose it shall be final, not subject to any appeal or order for review.

Local Governments may appoint local curators.

XIX. And it is hereby enacted, that it shall be lawful for the Governments of the respective presidencies to appoint public curators for any district or number of districts. And the judge having jurisdiction shall nominate such public curator or curators in all cases where the choice of a curator is left discretionary with him under preceding provisions of this Act.

Supreme Courts how to proceed in respect of property of persons dying within their jurisdiction.

XX. And it is hereby enacted, that whenever a person dies leaving moveable or immoveable property within the local limits of the jurisdiction of any of her Majesty's Supreme Courts, and such court shall be satisfied that danger is to be apprehended of the misappropriation and waste of the property before it can be ascertained who may be legally entitled to the succession to such property, it shall be lawful for the said court to authorize and enjoin the ecclesiastical registrar, or one or more curators, to collect such effects, and hold, or deposit, or invest the same in such manner and place, and upon such security and subject to such orders and directions, as the court may deem expedient.

A.D. 1841. ACT XX.

[Extended to Bombay by Act VIII. 1842.]

An Act *for facilitating the Collection of Debts on Successions, and for the Security of Parties paying Debts to the Representatives of deceased Persons:* Passed *by the Right Honourable the Governor-General of India in Council, on the 6th of September*, 1841.

Preamble.

I. Whereas it is expedient to provide greater security for persons paying to the representatives of deceased Hindoos, Mahomedans, and others not usually designated as British subjects, debts which are payable in respect of the estates of such deceased persons, and to facilitate the collection of such debts by removing all doubts as to the legal title to demand and receive the same:—

No debt recoverable without a certificate.

It is hereby enacted, that no debtor of any deceased person shall be compelled in any court of law to pay his debt to any person claiming to

be entitled to the effects of any deceased person or any part thereof, except on the production of a certificate to be obtained in manner hereinafter mentioned, or of a probate or letters of administration, unless the court shall be of opinion that payment of the debt is withheld from fraudulent or vexatious motives, and not from any reasonable doubt as to the party entitled.

Manner of obtaining certificate.

II. And it is hereby enacted, that the Zillah or District Court within the jurisdiction of which any part of the property of the deceased may be found shall have authority to grant a certificate under this Act. The applicant in his petition shall set forth his title. The judge shall issue notice of application, inviting claimants, and fixing a day for hearing the petition, and upon the appointed day, or as soon after as may be convenient, shall determine the right to the certificate, and grant the same accordingly.

Effect of certificate.

III. And it is hereby enacted, that the certificate of the district or zillah judge shall be conclusive of the representative title against all debtors to the deceased, and shall afford full indemnity to all debtors paying their debts to the person in whose favour the certificate has been granted.

Security taken from grantee of certificate.

IV. And it is hereby enacted, that the district or zillah judge may take such security as he shall think necessary, from any person to whom he shall grant a certificate, for rendering an account of debts received by him, and for indemnity of persons who may be entitled to the whole or any part of the moneys received by virtue of such certificate, whose right to recover the same by regular suit against the holder of the certificate is not affected by this Act.

Decision of judge how far final.

V. And it is hereby enacted, that the granting of such certificate may be suspended by an appeal to the Court of Sudder Dewanny Adawlut, which court may declare the party to whom the certificate should be granted, or may direct such further proceedings for the investigation of the title as it shall think fit. The court may also, upon petition, after a certificate shall have been granted by the district or zillah judge, grant a fresh certificate in supersession of the certificate granted by the district or zillah judge; and such fresh certificate shall not affect any payments made to the person to whom any former certificate may have been granted without notice that the same has been superseded, but shall entitle the person named therein to receive all moneys that may have been recovered under the first certificate from the person to whom the same may have been granted.

Local extent of power given by certificate.

VI. And it is hereby enacted, that every certificate shall give authority to the person to whom the same is granted throughout the presidency within which the same is granted, and no certificate subsequently granted in respect of the same property shall be valid or effectual, except as hereinafter mentioned.

Government notes and dividends.

VII. And it is hereby enacted, that a person certified as aforesaid,

may be empowered to receive interest on Government notes and dividends, or on shares of any bank or parts thereof, and to negotiate such securities. He may be also empowered to receive a share of such interest or dividends, or to negotiate a share of such securities. But these powers shall only arise by express words in the certificate.

Payments under certificate void by reason of previous certificate.

VIII. And it is hereby enacted, that where a certificate shall have been granted in cases in which such certificate would be valid, but for the previous grant of a certificate, all payments made to the person holding the later certificate, in ignorance of the grant of the previous certificate, shall be held good against claims under such previous certificate.

Certificate, after previous grant of probate or letters of administration, void.

IX. And it is hereby enacted, with regard to the property of deceased Hindoos, Mahomedans, and other persons not usually designated by the term British subjects, that no certificate in respect of any such property shall be valid, if made after a probate or letters of administration granted in respect of the same, provided assets belonging to the deceased were at the time of his death within the local jurisdiction of the court granting the probate or letters of administration.

Boná fide payments protected.

X. And it is hereby provided, that where a certificate shall have been granted in cases in which such certificate would be valid but for a probate or letters of administration previously granted, all payments made to the person holding the certificate, in ignorance of the previous granting of the probate or letters of administration, shall be held good against claims under the probate or letters of administration so previously granted.

Probate or letters of administration, after previous grant of certificate, void.

XI. And it is hereby enacted, that no probate or letters of administration shall be valid for the purpose of the recovery of debts or for the security of debtors, after a certificate granted in respect of the same property for which such probate or letters of administration shall have been granted, provided assets belonging to the deceased were at the time of his death within the jurisdiction of the court granting such certificate.

Boná fide payments protected.

XII. And it is hereby provided, that where probate or letters of administration may have been granted, in cases in which such probate or letters of administration would be valid but for the previous grant of a certificate, all payments, made in ignorance of the previous grant of the certificate, shall be held good against claims under such previous certificate.

Curators prohibited from exercising certain powers.

XIII. And whereas under Act No. XIX. of 1841, curators may be invested with certain powers which are conferred on persons obtaining certificates under this Act, and which belong to executors and administrators, it is hereby enacted, that curators appointed under the said Act shall not exercise any powers which, but for that Act, would lawfully belong to such persons obtaining certificates, executors or administrators, where a certificate, probate, or letters of administration, have been actually obtained; but all persons who may have paid debts or rents to a curator authorized by a judge to receive the same, shall be indemnified, and the

curator shall be responsible for the payment of the same to the person who has obtained a certificate, the executor, or administrator, as the case may be.

Effect of probates and letters granted to representatives of Hindoos and others.

XIV. And it is hereby declared and enacted, that all probates and letters of administration granted by any of her Majesty's courts in cases in which any assets belonging to deceased persons were, at the time of their deaths, within the local jurisdiction of the court granting the probate or letters of administration, shall have the effect of probate and letters of administration, granted in respect of the property of British subjects, but for the purpose of the recovery of debts only, and the security of debtors paying the same; except so far as is in this Act provided.

Act not to extend to the property of British subjects.

XV. And it is hereby provided, that nothing in this Act contained shall be held to extend to the property of any person usually designated as a British subject.

A.D. 1841. ACT XXI.

AN ACT *for the better Prevention of Local Nuisances:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 6th of September*, 1841.

Magistrates may remove nuisances.

I. IT is hereby enacted, that it shall be lawful for any magistrate, when the public benefit and comfort are in question, to cause unlawful obstructions and nuisances to be removed from thoroughfares and public places, and to suppress, or cause to be removed to a different place, trades or occupations injurious to the health or comfort of the community, and to prevent such construction of buildings and such disposal of combustible substances as may appear to him likely to occasion conflagration, and to cause the removal of buildings in such state of weakness as, by the probability of their falling, may appear to him to expose individuals to danger.

Magistrate to issue injunction.

II. And it is hereby enacted, that, in exercising the authority conferred by the above section, the magistrate shall, after holding such inquiry as may satisfy him of the necessity of proceeding under this Act, issue an injunction, which, if practicable, shall be served personally on the parties concerned; but if such service shall be impracticable, or very inconvenient, the injunction shall be notified by oral proclamation, and a written notice thereof shall be set up at such place or places as may be best adapted for conveying information to the parties concerned. And in case such injunction be not obeyed, the magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding Rs. 200, or by imprisonment without labour for any period not exceeding one month, and if the magistrate finds it necessary to incur expense in removing noxious or dangerous articles or buildings, it shall be lawful for

Enforcement of such injunction.

him to sell the same, or their materials, by public auction, in order to defray the charge, delivering any surplus that may remain to the owner. And it shall be lawful for the magistrate to compel, under the like penalty, the owners of tanks or wells adjacent to any public thoroughfare to fence the same in such manner as to prevent danger to the public arising therefrom.

Tanks and wells to be fenced.

III. And it is hereby provided and declared, that it shall be lawful for any person affected by such injunction or written notice as is above described, if he shall object thereto, to claim, by written petition to be presented to the magistrate within the period of ten days, if reasonably practicable, if not, within the shortest reasonable further time from the receipt of such injunction or the publication of such notice, that a jury or punchayet may be appointed to try and decide the question; and the magistrate shall, on receiving such petition, pass order thereupon for the appointment of a jury or punchayet, which shall consist of not less than five persons, whereof the president and one-half of the other members shall be nominated by the magistrate from the residents in the vicinity, and the remaining members shall be nominated by the party petitioning. And the magistrate shall suspend the further execution of the injunction or order pending such inquiry, and be guided by the decision of the said jury, which shall be according to the opinion of the majority. Provided however, that if the petitioner shall by neglect, or in any other way, prevent the appointment of such jury or punchayet, or if, from any cause the jury so appointed shall not decide and report within a reasonable time to be fixed in the order for their appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the magistrate; and if from any of the above causes no decision be made by a jury or punchayet, the magistrate's order shall take effect as if not opposed.

Parties enjoined may claim a jury or punchayet.

How to be constituted.

Proceedings in cases of neglect by jury or punchayet.

IV. And it is hereby provided, that all the proceedings of magistrates under the authority of this Act shall be subject to the like appeal as other orders of magistrates according to the Regulations of the respective presidencies.

Magistrates' proceedings appealable.

V. And it is hereby enacted, that this Act shall not be applicable within the local limits of her Majesty's courts of justice.

Not to apply within limits of Supreme Courts.

A.D. 1841. ACT XXVIII.*

AN ACT *for extending Act No. XXIII. of* 1839, *to Camp Followers:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 15*th of November*, 1841.

Acts XXIII. 1839, and II. 1840, extended to all persons amenable to Articles of War.

IT is hereby enacted, that in cases in which an offender, being a soldier, is punishable under Act No. XXIII. of 1839—any offender amenable to any Articles of War for the East-India Company's native forces, not being a commissioned officer, shall be punishable according to that Act, as well as otherwise, according to law, and Act No. II. of 1840 shall be applicable to offenders imprisoned under this Act.

See Article 157, Act XIX. 1847.

* All camp-followers were declared amenable to this Act by Act XII. 1842. The provisions of this Act, as well as those of Act XXIII. 1839, and II. 1840, may perhaps be held to be superseded by the Articles of War, in Act XIX. 1847.

A.D. 1841. ACT XXX.

AN ACT *for repressing Obstructions to Justice in certain Courts of the East-India Company:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 20*th of December*, 1841.

Obstructions of proceedings in courts punishable by fine and imprisonment.

I. WHEREAS sufficient provision is not made for repressing obstructions to justice committed in the courts of the East-India Company, it is hereby enacted, that all persons whatsoever, whether generally amenable to the courts of the East-India Company or otherwise, using menacing gestures or expressions, or otherwise obstructing justice in the presence of any zillah or city magistrate, joint magistrate, or other officer under a magistrate empowered to try criminal cases, or any superior or inferior court, civil or criminal, of the East-India Company, shall be liable to be fined by the authority whose proceedings are obstructed, to any amount not exceeding Rs. 200, or in case such fine be not paid, to be imprisoned for any period not exceeding one month. Provided, that from the award of punishment in such cases, an appeal shall lie, if preferred within one month, to the authority, civil or criminal, appointed by law to hear appeals in all other cases from the decisions of the officer by whom the fine was imposed; and provided also, that notwithstanding anything in this Act, it shall be lawful to indict any person amenable to her Majesty's Supreme Courts as for a misdemeanor in any of the cases aforesaid sustainable before this Act, if no proceeding shall have been had against the offender in the Court where the offence was committed, but not otherwise.

Appeal.

Persons amenable to Supreme Courts, how to be dealt with.

Foregoing provisions extended to revenue authorities.

II. And it is hereby further enacted, that the Sudder Board of Revenue, the local commissioners, or other officers exercising the powers of either of those authorities, the collectors, or other officers exercising

the powers of collector, shall be competent to punish any obstruction of the nature aforesaid, by fine to an extent not exceeding Rs. 200, and in case such fine be not paid, by imprisonment in the civil jail for a period not exceeding one month. Provided that the orders passed in such cases shall be subject on appeal to the revision and control of the superior revenue authorities, as in all others, and shall, as well as the sentences passed under Section I. of this Act, be carried into effect by the magistrate, on application being made to that officer, in the usual mode.

Appeal.

III. [Refers to Bengal code only.]

A.D. 1842. ACT V.

AN ACT *concerning Payment on account of Licenses for the Sale of Spirits in the Islands of Bombay and Colaba:* PASSED *by the Honourable the President of India in Council, on the 29th of July,* 1842, *with the Assent of the Right Honourable the Governor-General of India.*

Fees or taxes on issue of license for retail of spirits.

I. IT is hereby enacted, that whenever a license to retail spirituous liquors in the islands of Bombay and Colaba shall be granted under the provisions of Act XVIII. of 1840, the officers granting such licenses shall be authorized to demand such fee, tax, or duty, in consideration of the privilege granted, as may from time to time be fixed by such officers under the sanction of the Governor of Bombay in Council. And such fee, tax, or duty may be made payable in advance, or at such period as may be settled under such authority as aforesaid.

Power of withholding or recalling license if fee be unpaid.

II. And it is hereby enacted, that it shall be lawful for the officers granting such licenses to withhold or recall the same in case the fee, tax, or duty aforesaid be not duly paid according to the conditions upon which any such license shall be granted. And any person vending spirituous liquors within the islands aforesaid whilst such license shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending spirituous liquors without a license.

See Sec. vii. Act XI. 1845.

A.D. 1842. ACT VI.

AN ACT *for annexing to the British Territory certain Villages belonging to the late Nepanee Jagheer, and Acquisitions by Exchange from the Sattara State, and for bringing under the Regulations an Inam Village of Pergunnah Yelloor:* PASSED *by the Honourable the President of the Council of India in Council, on the 5th of August,* 1842, *with the Assent of the Right Honourable the Governor-General of India.*

Preamble.

WHEREAS the villages lately composing the Nepanee Jagheer have lapsed to Government, and it has been deemed desirable, in order to the better consolidation and management of the British and Sattara territories, to exchange certain villages for mutual convenience; and whereas the village of Deshoor, in pergunnah Yelloor, though held in Inam under the British Government, has not yet been brought under the Regulations:

Exception of certain places from the operation of the Regulations.

It is hereby enacted, that from the time of passing this Act, so much of Regulation XXIX. of 1827 and Regulation VII. of 1830, as relates to the undermentioned seven villages, viz.:—

Jaleehall, pergunnah Honwar.
Teengnee Beedree, pergunnah Ghota.
Hongunhullee, Karjol, } pergunnah Moolwad.
Oopuldinee, pergunnah Mohumudapoor.
Allasundeh, Prant Ragul.
Boblad, pergunnah Burdole.

And so much of Act VIII. of 1839 as relates to the undermentioned four villages:—

Kusba Ashta, Kuryat Ashta, and Sumdolee, Kuryat Sanglee, } Prant Meeruj.
Moje Koondul, and Moje Ponudee, } Turuf Valwe, Prant Punnala,

Certain villages rendered subject to the Regulations.

shall be rescinded; and that the following villages shall be subject to all Acts and Regulations which are or shall be in force within the territories subject to the presidency of Bombay.

Nineteen villages of pergunnah Neergoondee.

1. Kusba Neergoondee.
2. Moje Hebbal.
3. Ditto Keersal.
4. Ditto Abbihal.
5. Ditto Yelgoor.
6. Ditto Kasinkoontee.
7. Ditto Boodihal.
8. Ditto Musootee.
9. Ditto Mooddapoor.
10. Ditto Eettgee.
11. Moje Rajnal.
12. Ditto Bidnal.
13. Ditto Korganoor.
14. Ditto Aldinnee.
15. Ditto Gonal.
16. Ditto Katapoor.
17. Ditto Dewlapoor
18. Ditto Murikuttee.
19. Ditto Neerulbhavee.

Twelve villages of pergunnah Chandkowte.

1. Kusba Chandkowte.
2. Moje Chutterkee.
3. Ditto Roogee.
4. Ditto Moolsawulgee.
5. Ditto Aheree.
6. Ditto Jumbgee.
7. Moje Daberee.
8. Ditto Eetunhullee.
9. Ditto Gugunhullee.
10. Ditto Solapoor.
11. Ditto Hunchinal.
12. Ditto Kurulwar.

Seven villages of pergunnah Ooklee.

1. Moje Donoor.
2. Ditto Neginhal.
3. Ditto Moollal.
4. Ditto Kuggoor.
5. Moje Hurgullee.
6. Ditto Hurginhal.
7. Ditto Honutgee.

Seven villages of pergunnah Nuldroog.

1. Moje Kesurzuwulgee.
2. Ditto Moostee.
3. Ditto Sulgur.
4. Ditto Arlee.
5. Moje Kalegaon.
6. Ditto Ebhrampoor.
7. Ditto Kakrumb.

Five isolated villages.

1. Moje Pooluz, pergunnah Mohul.
2. Ditto Hurulgee, pergunnah Kulboorga.
3. Ditto Hottgee, pergunnah Ahirwaree.
4. Moje Awrad, pergunnah Mundroop.
5. Ditto Moogulee, pergunnah Maindurgee.

Twenty-four villages of pergunnah Hortee.

1. Kusba Hortee.
2. Moje Koloorgee.
3. Ditto Domnal.
4. Ditto Kunchinal.
5. Ditto Muknapoor.
6. Ditto Boblad.
7. Ditto Hudulsung.
8. Ditto Nimbal Boodrook.
9. Ditto Nimbal Khoord.
10. Ditto Kunnal.
11. Ditto Bomunhullee.
12. Ditto Agusnal.
13. Moje Busnal.
14. Ditto Sawulsung.
15. Ditto Hulgoonkee.
16. Ditto Gooudwan.
17. Ditto Sonkunhullee.
18. Ditto Koorgee.
19. Ditto Morusnal.
20. Ditto Deginal.
21. Ditto Goonkee.
22. Ditto Turgoondee.
23. Ditto Kottnal.
24. Ditto Kupnimburgee.

Twenty-eight villages of pergunnah Hulsungee.

1. Kusba Hulsungee.
2. Moje Yelgee.
3. Ditto Turiwaree.
4. Ditto Arjnal.
5. Ditto Bhirungee.
6. Ditto Boodihal.
7. Ditto Keroor.
8. Moje Chunegaon.
9. Ditto Anjotgee.
10. Ditto Dhoolkhur.
11. Ditto Purnoor.
12. Ditto Bewnoor.
13. Ditto Chorgee.
14. Ditto Munn Ankulgee.

15. Moje Mahnhullee.
16. Ditto Murgoor.
17. Ditto Chouryal.
18. Ditto Hingnee.
19. Ditto Burgoondee.
20. Ditto Ahersung.
21. Ditto Mailar.
22. Moje Seergoor.
23. Ditto Anchee.
24. Ditto Nundral.
25. Ditto Seernal.
26. Ditto Lonee Khoord.
27. Ditto Bulolee.
28. Ditto Jhulkee.

Twenty-four villages of pergunnah Bagewaree.

1. Moje Moottgee.
2. Ditto Engleshwur.
3. Ditto Salwargee.
4. Ditto Heepurgee.
5. Ditto Dindwar.
6. Ditto Rubnal.
7. Ditto Deginal.
8. Ditto Tukulkee.
9. Ditto Oottnal.
10. Ditto Munoor.
11. Ditto Hullihal.
12. Ditto Kuribuntnal.
13. Moje Hoonshal.
14. Ditto Hoolbenchee.
15. Ditto Hunchinal.
16. Ditto Agusbal.
17. Ditto Ewungee.
18. Ditto Kamunkeree.
19. Ditto Boodihal.
20. Ditto Ooppuldinee.
21. Ditto Nursungee.
22. Ditto Nagoor.
23. Ditto Ambulnoor.
24. Ditto Sunknal.

Thirteen villages of pergunnah Annigeree.

1. Kusba Annigeree.
2. Moje Hullikeree.
3. Ditto Saswihullee.
4. Ditto Kondikopp.
5. Ditto Bussapoor.
6. Ditto Bhudrapoor.
7. Ditto Untoor.
8. Moje Saidapoor.
9. Ditto Munjegood.
10. Ditto Kawulwar.
11. Ditto Hullihal.
12. Ditto Bunnoor.
13. Ditto Nagnoor.

Fifteen villages of pergunnah Uthnee.

1. Kusba Uthnee.
2. Moje Azor or Yemmihal.
3. Ditto Siroor.
4. Ditto Nagnoor.
5. Ditto Jumbgee.
6. Ditto Sewnoor.
7. Ditto Mullabad.
8. Ditto Bewnoor.
9. Moje Yekunchee.
10. Ditto Burchee.
11. Ditto Koulgood.
12. Ditto Sinal.
13. Ditto Musurgooppee.
14. Ditto Hunmapoor.
15. Ditto Kirugeree.

Sixteen villages of pergunnah Honwar.

1. Kusba Honwar.
2. Moje Kukmuree.
3. Ditto Bijjurgee.
4. Ditto Kotulgee.
5. Ditto Kohullee.
6. Ditto Yellihudulgee.
7. Ditto Bargee.
8. Ditto Aigullee.
9. Moje Uluginhal.
10. Ditto Babanuggur.
11. Thana Telsung.
12. Moje Urtal.
13. Ditto Bunnoor.
14. Ditto Kunnal.
15. Ditto Halhullee.
16. Ditto Kunmura.

Six villages of pergunnah Gureekokutnoor.

1. Kusba Gureekokutnoor.
2. Moje Suttee.
3. Ditto Dodwar.
4. Moje Junwar.
5. Ditto Bulwar.
6. Ditto Korganoor.

Fifteen villages of pergunnah Gulgullee.

1. Kusba Gulgullee.
2. Moje Amuljhuree.
3. Ditto Koloor.
4. Ditto Yerhullee.
5. Ditto Rubkuvvee.
6. Ditto Gunnee.
7. Ditto Hunchinal Khoord.
8. Ditto Hunchinal Boodrook.
9. Moje Chowrapoor.
10. Ditto Boodnee.
11. Ditto Bulwulmottee.
12. Ditto Boodihal.
13. Ditto Goolbal.
14. Ditto Bisnal.
15. Ditto Moondugnoor.

The following nine isolated villages.

1. Moje Hipurgee, pergunnah Jumkhundee.
2. Ditto Nipanee, } Kuryat Latt.
3. Ditto Seergoopee, }
4. Ditto Belkhor, Kuryat Kubboor.
5. Ditto Mudunbhavee, Kuryat Naysurgee.
6. Seergaon, dependent on the fort of Heeree Gundhurvgurh.
7. Bhiwsee, Prant Kagul.
8. Moochundee, pergunnah Jutt.
9. Deshoor, pergunnah Yelloor.

A.D. 1842. ACT VIII.

An Act *for describing in Legislative Acts, with greater certainty and convenience, the Courts of the highest Jurisdiction in the respective Presidencies:* Passed *by the Honourable the President of the Council of India in Council, on the 2nd of September,* 1842, *with the assent of the Right Honourable the Governor-General of India.*

Extension of Acts XIX and XX 1841, to Bombay Highest Civil and Criminal Court to be styled "Sudder Court."

It is hereby declared and enacted, that the powers vested in the Court of Sudder Dewanny Adawlut by Acts No. XIX. of 1841, and No. XX. of 1841, shall be applicable to the courts of highest civil jurisdiction in the Madras and Bombay presidencies respectively, and that, in future Acts generally applicable to all the presidencies, the terms "Sudder Court" shall be deemed applicable to the courts respectively of the highest civil and criminal jurisdiction, as the case may be, of all the presidencies.

A.D. 1842. ACT XII.

AN ACT *for the better Regulation of Military Bazars, and defining the Liabilities of Camp-followers:* PASSED *by the Honourable the President of the Council of India in Council, on the 28th of October,* 1842, *with the assent of the Right Honourable the Governor-General of India.*

No unregistered person shall recover in the Military Courts of Requests.

I. IT is hereby enacted, that no person residing within the limits of any military cantonment, and carrying on trade therein, or who shall have been a trader at any military cantonment, shall be allowed to recover in any Military Court of Requests for the native troops of the East-India Company, held within any such cantonment, any debt contracted in the way of trade, or for the loan of money, within any such cantonment, by any person subject to the jurisdiction of such court, unless the person seeking to recover the debt shall at the time of contracting thereof have been registered as a military bazarman within any such cantonment.

All camp-followers amenable to Acts XI. and XXVIII. 1841.

II. And it is hereby declared, that all persons serving with any part of the army and receiving public pay in any capacity, menial servants, and other camp-followers of every description, shall be subject to the provisions of Acts No. XI. of 1841, and No. XXVIII. of 1841, in like manner as enlisted soldiers. See Act. 157, Act XIX. 1847.

A.D. 1842. ACT XIII.

AN ACT *to enable the Holders of Revenue which has been alienated to them by the State to collect that Revenue within the Presidency of Bombay:* PASSED *by the Honourable the President of the Council of India in Council, on the 28th of October,* 1842, *with the assent of the Right Honourable the Governor-General of India.*

Preamble.

I. WHEREAS it is expedient to authorize the grant by the Governor in Council of Bombay, at his discretion, of commissions to certain jagheerdars and others, by virtue of which such persons shall possess increased powers for collecting the revenue due to them;

Governor in Council may issue commissions conferring revenue authority on jagheerdars and others.

It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, to grant to any jagheerdar, surinjamdar, inamdar, or other person holding lands or villages the revenue of which has been alienated to him by the state, a commission conferring upon him authority for the collection of such revenue by the powers hereinafter mentioned, or such of them as shall be specified in the commission, in addition to the powers now exercisable by law.

II. And it is hereby enacted, that such commission, which shall be drawn out according to the form in the annexed Schedule (A), shall be granted or withheld, and, when granted, shall be liable to be withdrawn at the pleasure of Government, and that it may, if the Governor in Council of Bombay see fit, be issued to one or more agents of such holder of alienated revenue as well as to the holder in person.

Commission may be issued to the principal or his agent—may be withdrawn.

III. And it is hereby enacted, that the holder of such commission shall have authority to demand security for the payment of the revenue, in respect of the lands or villages specified in the commission, and if the same be not furnished, to take such precaution as the collector is authorized to take under Section XI. Regulation XVII. of 1827, Bombay code.

Powers conferred by the commission, to demand security for revenue.

IV. And it is hereby enacted, that the holder of such commission shall have authority to send mohussuls on defaulters under the provisions of Clauses Second, Third, and Fifth, Section XII. Regulation XVII. of 1827, Bombay code, provided that one foot mohussul only be employed in each case, and that the mohussulee shall cease on the enforcement of any other remedy for the collection of the revenue, except the taking of such security as aforesaid.

to send mohussuls to defaulters.

V. And it is hereby enacted, that the holder of any such commission shall be authorized to attach the property of persons making default in the payment of such revenue as aforesaid, making an immediate report to the collector or his assistant of his having done so, and should the demand on account of which the attachment may be made appear to the collector or his assistant to be just, he shall give orders for the sale of such property, and the sale shall be conducted agreeably to the provisions of Clause Seventh, Section XII. Regulation XVII. of 1827, Bombay code, except in cases in which the holder of the commission by whom the attachment has been made shall be a jagheerdar, surinjamdar, or inamdar, vested by Regulation XIII. of 1830, with civil jurisdiction, and with power to execute his own decrees or his agent's, when the sale shall be conducted by him, and not by the collector and his subordinate revenue officers.

to attach property for default.

property how to be sold.

VI. And it is hereby enacted, that all compulsory process under this Act shall cease on the alleged defaulter furnishing security to the holder of the commission, or to the collector or assistant-collector of the district, to institute a suit, within fifteen days in a competent court, for the purpose of trying the demand, and to pay the amount which may be decreed against him with costs and interest in such court. Provided that such suits in which any one of the privileged classes established by Regulation XXIX. of 1827, Sections III. and IV., and by Regulation VII. of 1830, Bombay code, may be the defendant, shall be tried before the collector and his assistants, anything in Regulations I. and XVI. of 1831, notwithstanding. And any holder of any such commission as aforesaid by himself or his agents proceeding with any compulsory process under this Act after the furnishing of such security as aforesaid, or after the due tender thereof, shall forfeit three times the amount of the revenue sought to be recovered by such compulsory process.

Compulsory process to cease on security being given, and a suit brought.

Collector to try the suit.

Proviso respecting the privileged classes.

Penalty.

Punishment for extortion above the proper rent.

VII. And it is hereby enacted, that if the revenue or rent payable to a jagheerdar, or other holder of Government alienated lands or villages, shall have been fixed by a government officer before the grant of the land in free tenure, or if the rent or revenue tendered by any ryot or other person be at the usual rate payable according to the custom of the village and pergunnah as declared by the koolkurnee and other local officers of revenue, the enforcement of a demand by any holder of a commission under this Act of an excess of rent or revenue beyond the amount due as above provided, shall be deemed to be extortion, and the person against whom such demand shall have been enforced shall obtain, upon any judgment being passed after regular or summary trial, three times the amount of any such excessive demand as damages for the same. Provided, however, that nothing herein prescribed or contained shall prevent a holder of alienated lands or villages from instituting a suit in any court of competent jurisdiction for the purpose of establishing his claim to re-assess the lands or re-settle the revenue of any ryot or other who may be paying less than the full jumma to which he is justly liable, and upon such holder obtaining a decree adjudging to him such power, the demand made by him under such decree shall, if conformable thereto, be deemed a legal demand for arrears, and shall be leviable by the same process as is above provided for other arrears due.

Suits may be brought for right to re-assess lands.

For what period payment of revenue may be enforced under the commission.

VIII. And it is hereby enacted, that the power conferred by such commission shall extend to the enforcement of the payment of the revenue of the current season and of the season next immediately preceding, and not to that of former years.

SCHEDULE (A).

Form of commission.

Form of Commission to be issued to a holder of alienated revenue or his agent, for enabling him to recover such revenue.

Seal.

The Governor in Council of Bombay, by virtue of the powers vested in him by Act XIII. of 1842, is pleased to confer on you ——— (jagheerdar, &c., or agent, &c., as the case may be) power to realize all revenue demands due to you (or to your principal) from the villages and lands specified in this commission in the manner prescribed in (or in sections ——— of) this Act.

The villages and lands over which the power thus conferred upon you extends are as follows:

(Here enter the description.)

The within delegated power is vested in you during the pleasure and subject to the recall of the said Governor in Council.

(Signed) ———.

A.D. 1842. ACT XIV.

AN ACT *for giving greater Facility in the abatement and prosecution of Nuisances in and throughout the Towns and Islands of Bombay and Colaba:* PASSED *by the Honourable the President of the Council of India in Council, on the 25th of November,* 1842, *with the Assent of the Right Honourable the Governor-General of India.*

See Acts XI. 1845, and XXVI. 1850.

Offensive matter not to be deposited near thoroughfares.

I. IT is hereby enacted, that no person shall throw, or deposit, or cause to be thrown or deposited, any offensive matter or thing whatever on any open space of ground contiguous to any public thoroughfare on the Islands of Bombay or Colaba.

Enclosure of open spaces.

II. And it is hereby enacted, that the owner or occupier of every such open space shall, on a written order from the Court of Petty Sessions for such purpose, forthwith enclose the same with a fence or wall, and in default thereof for the space of ten days, the said Court shall cause such enclosure to be made, and the expense thereof shall be defrayed by the Municipal Fund, and the said owner or occupier shall be liable to a penalty not exceeding twice the amount so expended.

Construction of drains and gutters.

III. And it is hereby enacted, that it shall be lawful for the said Court of Petty Sessions to order and direct that proper and suitable drains or gutters for the conveyance of wastage, water, filth, and other offensive matter, proceeding from the houses or premises of any of the inhabitants or occupiers thereof, shall be made and built by the owners of such houses in such manner as the said Court of Petty Sessions shall direct, and upon such owners failing so to do, and also to keep the same in repair, for the space of ten days after notice to that effect shall have been given by the said Court, the said Court may cause such drains or gutters to be built or repaired, and the expense thereof shall be defrayed out of the Municipal Fund, and the said owners shall be liable to a penalty not exceeding twice the amount of such expense; provided always, that a default in the making or repairing such drains or gutters has created or is likely to create a public nuisance.

Concealment of privies.

IV. And it is hereby enacted, that the owner or occupier of any house or tenement having a privy erected upon his premises shall have such privy shut out by a sufficient wall or fence from the view of persons passing by.

Owners to keep their premises clean.

V. And it is hereby enacted, that every privy, sink, drain, water-course, compound, yard, lane, or passage, adjoining or belonging to any house or premises, shall be kept clean by the owners or occupiers thereof, so that the same shall not become a public nuisance.

Filth not to be thrown on roofs: thoroughfares not to be obstructed.

VI. And it is hereby enacted, that no person shall throw or deposit any filth or rubbish on the roof, or weather-boards, of any buildings, or suspend

therefrom any article whatever so as to project over any street or public thoroughfare. Nor shall any person bathe himself or wash any animal or clothes, or throw any offensive matter or thing whatever in or into any of the public tanks or wells; and the Governor in Council is hereby empowered, from time to time, by proclamation, to declare what tanks or wells shall be deemed public, and also which of such public tanks or wells may be used for the purpose of bathing and washing linen therein.

Regulation of public tanks and wells.

Removal of brothels.

VII. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions to require any person, owner or tenant, keeping a public brothel or lodging-house for prostitutes, or disorderly characters of any description in any of the more public roads or streets of Bombay and Colaba, to shut up the same or to remove such tenants from the premises, and on his failing to do so within the time specified in a notice to be given to him to that effect, he shall be deemed to have offended against the provisions of this Act.

Licenses for coffee and eating houses.

VIII. And it is hereby enacted, that no person shall keep a coffee-shop, eating-house, or any place of public resort, other than a legally licensed tavern or spirit-shop, without the permission or license of the Court of Petty Sessions, which Court is hereby empowered to grant such permission or license in writing, and which may be revoked by the said Court on good and sufficient cause.

Summary inquiries and decisions by Court of Petty Sessions.

IX. And it is hereby enacted, that all offences against this Act shall be summarily inquired into and decided by the Court of Petty Sessions, and every offence for which there is not a special penalty shall be punishable by a fine not exceeding Rs. 200.

Appropriation of fines.

X. And it is hereby enacted, that all fines imposed under this Act shall be paid into the general treasury for the benefit of the Municipal Fund.

A.D. 1842. ACT XV.

AN ACT *for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East-India Company to the Island of Mauritius:* PASSED *by the Honourable the President of the Council of India in Council, on the 2nd of December,* 1842, *with the Assent of the Right Honourable the Governor-General of India.*

[Superseded as respects Bombay by Act XXI. 1843.]

A.D. 1842. ACT XVII.

AN ACT *relative to the Number and Powers of the Revenue Commissioners under the Presidency of Bombay:* PASSED *by the Honourable the President of the Council of India in Council, on the 16th of December, 1842, with the Assent of the Right Honourable the Governor-General of India.*

Rescission.

I. IT is hereby enacted, that so much of Regulation V. of 1830, of the Bombay code, as provides that one revenue commissioner shall be appointed for the territory subordinate to Bombay, and that the Southern Mahratta country shall be excluded from his jurisdiction, is repealed.

Governor in Council may appoint revenue commissioners.

II. And it is hereby enacted, that one or more revenue commissioners shall be appointed for the whole of the territory composing the presidency of Bombay, each of whom shall be vested with all the powers possessed by the single revenue commissioner, under Regulation V. 1830, and shall be empowered to act within the presidency of Bombay, or over such portion as the Governor in Council of Bombay may, from time to time, prescribe by an order published in the Gazette.

deputies and assistants.

III. And it is hereby enacted, that each revenue commissioner shall have such number of deputies and assistants as the Governor in Council may deem it expedient to appoint.

A.D. 1842. ACT XVIII.

AN ACT *for facilitating preliminary Investigations of Criminal Cases connected with the Collection of the Revenue within the Presidency of Bombay:* PASSED *by the Honourable the President of the Council of India in Council, on the 23rd of December, 1842, with the Assent of the Right Honourable the Governor-General of India.*

Magisterial powers of revenue commissioners.

I. IT is hereby enacted, that it shall be competent for the revenue commissioner, or his assistant, within the presidency of Bombay, to exercise the same powers as the collector and magistrate of any zillah under that presidency, in all matters touching the collection and management of the revenue, and the conduct of revenue officers in their official capacities; except that they shall not pass any sentence of punishment, but when the preliminary inquiries are concluded, shall, if the charge be not dismissed, forward the accused to the magistrate for trial or for committal, according to the nature of the case.

Delegation of preliminary investigation to native officers

II. And it is hereby enacted, that a revenue commissioner, or his assistant, or a collector of land revenue, or his assistant, or a sub-collector, may, by written order, delegate, in any case, to any native servant, regularly employed on their respective establishments, not being of an inferior grade to a karcoon, any of the above powers of preliminary investigation, provided they be the same as are exercised by district officers of police under the Regulations. And the proceedings under this Act of all such servants shall be sent to the delegating authority for revision, and after such revision, if the charge be not dismissed, the case shall be forwarded to the magistrate as aforesaid.

Powers of magistrates

III. And it is hereby provided, that nothing in this Act contained shall prevent any magistrate from making preliminary inquiries and proceedings under the Regulations in all the cases aforesaid, both where the charge has not been investigated under the aforesaid powers, and where it may have been dismissed.

A.D. 1843. ACT I.

AN ACT *for amending the Law concerning the Registration of written Conveyances, and other Instruments affecting Titles and other Interests to Land:* PASSED *by the Honourable the President of the Council of India in Council, on the 27th January,* 1843, *with the Assent of the Right Honourable the Governor-General of India.*

Preamble

WHEREAS the registry laws now in force in the respective Mofussils of Bengal, Madras, and Bombay, provide that registered conveyances and other instruments affecting titles to land, and other interests therein, shall not take precedence of unregistered conveyances and instruments in cases where the party registering shall have known of the existence of such unregistered conveyances or other instruments. And whereas a complicated system of law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such cases. And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the courts has been occupied with such investigations. And whereas, in consequence of forgeries, perjuries, fraudulent concealments, and other practices, no person purchasing or advancing money on the security of land can safely rely on the conveyances or other instruments affecting the title to such land, or other interest therein, affording, by means of their being registered, a security against conveyances or instruments being set up, as of previous date, by unregistered claimants:

Repeal of previous rules respecting effect of unregistered deeds.

It is hereby enacted, that all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay codes, touching such

knowledge or notice as aforesaid, of previous unregistered conveyances or instruments affecting titles to land or other interests therein, shall be repealed from the first day of May next.

[Effect of registry.]—*Repealed by Act XIX.* 1843.

A.D. 1843. ACT III.

AN ACT *for amending the Rules of Special Appeals:* PASSED *by the Honourable the President of the Council of India in Council, on the 1st of February,* 1843, *with the Assent of the Right Honourable the Governor-General of India.*

Special appeals to lie to the Sudder from all subordinate courts: Grounds of such appeals.

I. IT is hereby enacted, that from and after the first day of May next, a special appeal shall lie to the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad respectively, to the Court of Sudder Adawlut at Madras, and to the Court of Sudder Dewanny Adawlut at Bombay, from all decisions passed on regular appeals in the civil courts subordinate to them respectively, which shall appear to be inconsistent with some law, or usage having the force of law, or some practice of the courts, or shall involve some question of law, usage, or practice, upon which there may be reasonable doubts.

Limitation of time.

II. And it is hereby enacted, that applications for special appeals shall not be admitted unless they are presented to the proper court as aforesaid within the period limited for the presentation of regular appeals.

Copies of decrees to accompany application.

III. And it is hereby enacted, that every application for a special appeal shall be accompanied by copies of the several decrees previously passed on the case.

To be heard by a single judge: his power therein.

IV. And it is hereby enacted, that every application for a special appeal, duly presented to the proper court as aforesaid, shall be heard by a single judge of the court, in the presence of the special appellant, or his vakeel or agent, and it shall be competent to the judge, at his discretion, to call for and peruse any document forming a part of the record of the cause, and to summon the opposite party to answer the application.

Judge to certify the points to be determined.

V. And it is hereby enacted, that if it shall appear to the judge that a special appeal is admissible under this Act, he shall pass an order accordingly, and shall at the same time reduce the point or points to be determined to writing in English, in the form of a certificate, which shall be translated into the vernacular language in use in the court, and the special appeal shall then be brought on the file of the court, to be heard and determined in due course. Provided that it shall not be necessary to call for, or refer to any part of the proceedings, the reading of which is not required for deciding the point or points of law stated in the certificate.

Judge's order rejecting appeal final.

VI. And it is hereby enacted, that if it shall appear to the judge that a special appeal is not admissible under this Act, he shall reject the petition, and his order so rejecting a petition for a special appeal shall be final.

No points but those certified shall be determined.

VII. And it is hereby enacted, that in every case of special appeal, admitted as aforesaid, the Court of Sudder Dewanny Adawlut shall determine the point or points, certified as above enacted, and no other point or part of the case whatever.

*In what cases certified points may be amended.

VIII. Provided that when the special ground of appeal may have been incorrectly or incompletely certified, it shall be competent to the court to amend the certificate. Provided that such amendment shall relate only to the point or points originally stated in the certificate; and it shall not be lawful for the court to receive or add any new point or points.

Former rules reserved so far as consistent with this Act.

IX. And it is hereby declared, that the existing Laws and Regulations of the presidencies of Bengal, Madras, and Bombay, relating to special appeals, shall continue in force, so far as they are not inconsistent with the provisions of this Act.

Operation of this Act.

X. And it is hereby enacted, that nothing contained in this Act shall affect the hearing of second or special appeals, which shall have been admitted, and be pending in appeal before the said first day of May next, and that all such second or special appeals shall be heard and decided in the same manner as if this Act had not passed.

A.D. 1843. ACT IV.

AN ACT *for amending the Law concerning Appeals from Justices of the Peace; and from Magistrates acting under the Statute 53 Geo. III. c.* 155: PASSED *by the Honourable the President of the Council of India in Council, on the 24th of March,* 1843, *with the Assent of the Right Honourable the Governor-General of India.*

Preamble.

WHEREAS, in many cases provided by law, offences may be prosecuted before magistrates not acting within the local limits of the jurisdiction of her Majesty's Supreme Courts, and which such magistrates may take cognizance of either in their magisterial capacity under the Regulations, or as justices of the peace. And whereas the appeal from convictions before magistrates acting in their magisterial capacities, and from the like convictions before justices of the peace, are subject to different rules. And whereas in all cases of convictions before justices of the peace in the Mofussil, and before magistrates exercising jurisdiction under the provisions of statute 53 Geo. III. c. 155, in cases of assaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to appeals requires amendment:

I. It is hereby enacted, that an appeal shall lie from all sentences passed by any justice of the peace acting without the local limits of any of her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any magistrate upon convictions had before him, exercising such jurisdiction as aforesaid, to the same authority and subject to the same rules as are provided by the Regulations and Acts of the Government in the case of sentences passed by magistrates in the exercise of their ordinary jurisdiction. And cases so made the subject of appeal shall not be afterwards liable to revision by means of a writ of certiorari.

Appeal shall lie from sentences of justices of the peace in the provinces to same authority as appeals from magistrates in Mofussil Courts.

II. And it is hereby provided, that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a writ of certiorari, in any other case than where there has been such appeal as aforesaid.

Writ of certiorari to lie only when such appeal has not been preferred.

A.D. 1843. ACT V.

AN ACT *for declaring and amending the Law regarding the Condition of Slavery within the Territories of the East-India Company:* PASSED *by the Honourable the President of the Council of India in Council, on the 7th of April,* 1843, *with the Assent of the Right Honourable the Governor-General of India.*

I. IT is hereby enacted and declared, that no public officer shall, in execution of any decree or order of Court, or for the enforcement of any demand of rent or revenue, sell or cause to be sold any person, or the right to the compulsory labour or services of any person, on the ground that such person is in a state of slavery.

No person to be sold as a slave in satisfaction of a decree or a revenue demand.

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any Civil or Criminal Court or magistrate within the territories of the East-India Company.

No right of slavery to be enforced in Company's courts.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling, or profession, or by inheritance, assignment, gift, or bequest, shall be dispossessed of such property, or prevented from taking possession thereof, on the ground that such person, or that the person from whom the property may have been derived, was a slave.

Rights possessed by or derived from a slave protected.

IV. And it is hereby enacted, that any act which would be a penal offence if done to a free man, shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

Offences against slaves penal as if done against a free man.

A.D. 1843. ACT XI.

An Act for regulating the Service of Hereditary Officers under the Presidency of Bombay: Passed *by the Right Honourable the Governor-General of India in Council, on the 22nd July,* 1843.

Preamble.

Whereas it has been found that the provisions of Regulation XVI. 1827, of the Bombay code, are insufficient to secure the efficient discharge of the duties of hereditary officers:

Rescission.

I. It is hereby enacted, that Sections XVII. and XVIII. of Regulation XVI. of 1827, of the Bombay code, be rescinded.

Hereditary officers to render usual services when required.

II. And it is hereby enacted, that all hereditary officers, of whatever denomination, belonging to, or employed in the management of the land revenue, or of the customs *or town* duties, or excise, or other revenue, or in the police, or in the civil administration of the country, shall render the usual services of their respective offices, as far as the same may be required by the collector, or other officer under whose control they may be placed by usage or the orders of Government.

Under what control to be placed.

III. And it is hereby enacted, that when the duties of an hereditary office fall in more than one department, it shall be competent to the Governor in Council of Bombay to prescribe what officer shall be vested with the control of such office.

In cases of co-sharers, how the office-bearer shall be nominated.

IV. And it is hereby enacted, that it shall be competent to the collector or other officer to whom the duties of an hereditary office are, as provided in Clause Second, to be rendered, when the performance of those duties is claimed in rotation by different sharers, to require that the sharers in the wuttun shall nominate a fit and proper person from among their number, who shall hold the office as the representative of the family either during life, or for such term, not being less in each instance than (five) 5 years, as the collector or controlling officer shall determine with the sanction of the Governor in Council; and in the event of the sharers not so nominating, when required, one or more of their number, within a reasonable period to be fixed by the collector or controlling officer, the collector or controlling officer shall himself exercise the power of selection, subject to the approval of the Governor in Council.

Power of collector to refuse to confirm the representative.

V. And it is hereby enacted, that it shall be competent to the collector or controlling officer to refuse to confirm the nomination by the sharers of any individual, if he shall have reason to think that, from age or personal disqualification, the duties of the office will not be properly performed by him, or if from character and past conduct the person nominated be considered unworthy of trust; provided that the grounds of such refusal shall be recorded in writing, and that an appeal from such decision shall lie to the Governor in Council, whose order thereon shall be final.

Appeal.

VI. And it is hereby enacted, that the collector or controlling officer shall have power to punish officiating hereditary officers for misconduct or neglect of duty by suspension from office, pay, and emolument, or by fine not exceeding the computed official emolument of their offices for three months, and to levy the said fine in the mode authorized for realizing revenue demands. Suspension and fines.

VII. And it is hereby further enacted, that the collector or controlling officer, in cases of misconduct or incompetency on the part of an officiating hereditary officer, shall have power to dismiss such officer from his employment, but no such dismissal shall take place, except on an investigation recorded in writing, which shall be submitted for the approval and sanction of the Governor in Council. Investigation and dismissal.

VIII. And it is hereby enacted, that in conducting the investigation prescribed in the preceding section, the collector or controlling officer shall have the same authority as a magistrate in compelling the attendance of parties and witnesses, and the production of papers, and in taking evidence. Mode of conducting investigation.

IX. And it is hereby further enacted, that whenever any such hereditary officer shall be convicted of fraud or malversation, or of any criminal offence in the conduct of the duties of the office by any Sessions Court, it shall be lawful for the said Governor in Council to direct the confiscation of the wuttun, either wholly or in part, and after such confiscation, the duties of the office shall be performed by such person as the Governor in Council shall appoint, and the surplus proceeds of the wuttun shall be disposed of for the benefit of the parties previously entitled thereto, or otherwise in such manner as the said Governor in Council may direct. Confiscation for fraud or malversation.

X. And it is hereby enacted, that no female shall perform in person the duties of any hereditary office. Females.

XI. And it is hereby enacted, that if any hereditary officer is incapable of personally discharging the duties of his or her office by reason of sex, minority, mental or bodily infirmity, or manifest incapacity, it shall be lawful for the collector or controlling officer to call upon him or her, or his or her guardians, to appoint a deputy, subject to his approval; and on the party or parties failing to appoint a fit deputy within a reasonable period, the appointment shall be made by the said collector or controlling officer. Appointment of a deputy.

XII. And it is hereby enacted, that all deputies appointed to perform the duties of hereditary offices under this Act, and under Section IV. Regulation V. 1833, of the Bombay code, shall be subject to the same rules and penalties as the principals, and that the wuttun of the office shall be liable to confiscation upon the conviction by any Sessions Court of any deputy appointed by the hereditary officer, in the same manner as it would be under the IXth section of this Act upon the conviction of the hereditary officer himself. Responsibilities of deputies and their principals.

XIII. And it is hereby enacted, that nothing contained in this Act Rights of co-sharers

to participate in the profits.

shall be construed to debar the right of any sharer to participate in the rents and profits of any hereditary office so held and filled as above provided, after provision shall have been made therefrom for the fit maintenance of the officiating hereditary officer, for which purpose it shall be competent to the collector or controlling officer to fix and assign a specific portion of such rents and emoluments, leaving the remainder only, subject to the claims of the other sharers—and further, that the portion of the rents and emoluments so fixed and assigned shall be the official remuneration of the officiating hereditary officer, and shall not be liable to civil process of any court of law.

Remuneration of deputies.

XIV. And it is hereby enacted, that whenever it may be necessary, as hereinbefore provided, that the collector or controlling officer shall appoint a deputy to conduct the duties of an hereditary office, it shall be lawful for him to assign to such deputy a fit remuneration from the rents and profits of the said office.

Definitions.

XV. And it is hereby enacted, that the terms "hereditary district or village office or officers," or "hereditary district or village revenue office or officers," used in Regulation XVI. 1827, and Regulation V. 1833, of the Bombay code, shall be held to apply to all descriptions of hereditary offices and officers.

A.D. 1843. ACT XII.

AN ACT *concerning the Time at which, and the Language in which, the Decisions of the Judges in the Courts of the East-India Company are to be written:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 29th of July,* 1843.

Preamble.

WHEREAS it is expedient, that the decisions of Courts of Justice, and the reasons for the decision, should be written and signed by the judge at the time of pronouncing his decision, and in the vernacular language of the judge;—

What decrees and orders must be written originally in English,

I. It is hereby enacted, that in all the presidencies, so much of all decrees as consists of the points to be decided, the decision thereon, and the reasons for the decision, and all injunctions for the revision of decrees in regular suits, and all orders for reviews of judgment, which shall be passed by judges of the Sudder Courts, or by judges of Zillah and City Courts, or by subordinate or assistant judges of Zillahs, shall be written originally in English, and signed by the judge or judges at the time of pronouncing such decision and orders; and shall be translated into the vernacular language, commonly used in the Court wherein the suit to which the decree or order relates shall have been instituted; and the translation shall be incorporated in the decree.

and translated.

II. Provided that nothing in this Act contained shall be construed to repeal or affect any Regulation of the codes of the presidencies of Fort St. George and Bombay, by which the decrees of the Sudder Courts are required to be written in English, nor to repeal or affect any Regulation of the code of the presidency of Fort St. George, by which the decrees of the Provincial and Zillah Courts and Auxiliary Courts under assistant judges, and the orders of the Sudder Court and Provincial Courts on petitions presented to them, are required to be written in English.

Not to supersede former orders about writing in English.

And whereas it is expedient that, excepting as regards the language to be used, Principal Sudder Ameens, Sudder Ameens, and Moonsifs should be guided by the same rules as are hereinbefore provided for the guidance of the superior judges;—

III. It is hereby enacted, that in all the presidencies so much of all decrees as consists of the points to be decided, the decision thereon, and the reason for the decision, which shall be passed by Principal Sudder Ameens, Sudder Ameens, or Moonsifs, shall be written originally in the vernacular language of such Principal Sudder Ameen, Sudder Ameen, or Moonsif, and signed by such Principal Sudder Ameen, Sudder Ameen, or Moonsif, at the time of pronouncing such decision, and (in case such vernacular language shall not be the same as the vernacular language commonly used in the court wherein the suit to which the decree relates shall have been instituted), shall be translated into such last-mentioned vernacular language, and the translation shall be incorporated in the decree.

What parts of the decrees of native judges shall be originally written in their own vernacular language; and how translated.

A.D. 1843. ACT XVIII.

AN ACT *for the better Custody of Persons convicted of Thuggee and Dacoity:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 9th September,* 1843.

WHEREAS it often happens that the offences of thuggee and dacoity are committed by gangs, as well within the territories subject to the government of the East-India Company, as in those of Native Princes or States in alliance with the said Company, and it may be necessary for the safety of persons and property within the territories subject to the government of the East-India Company, that persons convicted of the like offences within the territories of such Princes or States, should be kept in secure custody, which cannot always be done within the last-mentioned territories;—

Preamble.

See Act III. 1848.

It is hereby enacted, that it shall be lawful for the local government of any part of the territories subject to the government of the East-India Company, to authorize the reception and detention in any part of those territories, for the periods specified in their respective sentences, of persons sentenced to imprisonment or transportation for the offences of thug-

In what cases local government may authorize the detention and imprisonment of persons convicted of thuggee or dacoity out of the Company's territories.

gee, dacoity, or the offences of belonging to any gang of thugs or dacoits, within the territories of any Native Prince or State in alliance with the said Company. Provided always, that such sentences shall have been pronounced after trial before a tribunal in which a covenanted servant of the East-India Company, duly authorized in that behalf by such Prince or State, shall be one of the presiding judges. And it is hereby enacted, that every servant of the East-India Company, so authorized as aforesaid, shall forward with every prisoner a certificate of his conviction and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.

A.D. 1843. ACT XIX.

AN ACT *for amending the Law respecting the Registration of certain Deeds:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 28th October,* 1843.

Preamble.

WHEREAS doubts have arisen as to the true meaning and construction of Act No. I. of 1843;—

Repeals rules of Act I. 1843, excepting repealing clause.

I. It is hereby enacted, that the said Act is repealed, except in so far as it repeals all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay codes, touching the knowledge or notice, had by parties to registered conveyances and other instruments affecting titles to land and other interests therein, of the existence of unregistered conveyances or other instruments affecting such titles or other interests therein.

Registered titles to land invalidate all unregistered titles.

II. And it is hereby enacted, that from the 1st day of May last past, every deed of sale or gift of lands, houses, or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift for the same property which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed—and that from the said day every deed of mortgage on land, houses, and other real property, as well as certificates of the discharge of such incumbrances, a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other mortgage on the same property which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage, any knowledge or notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding. Provided always, that nothing in this

Registered mortgage deeds take priority of non-registered.

Limitation of time.

section contained shall be construed to extend to any deed or certificate made before the said 1st day of May last past.

III. And it is hereby declared and enacted, that no conveyance or other instrument affecting title to land, or any interest in the same, whether made before or after the said 1st day of May last past, other than such deeds or certificates as aforesaid, are or shall be in any respect void for want of registration, any Act, Regulation, or law to the contrary notwithstanding.

What deeds not affected by this Act.

A.D. 1843. ACT XXI.

AN ACT *for regulating the Emigration of Labourers from India to Mauritius:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 11*th November*, 1843.

I. WHEREAS it has been represented that the demands of the island of Mauritius for agricultural labour will by the end of this year be greatly diminished, and it is desirable that effectual measures should be adopted for providing a larger proportion of female emigrants to that island than has been procured under the present system of emigration, it is therefore enacted, that from and after the 1st day of January next ensuing, emigration to Mauritius shall only lawfully take place, under the provisions of the Act No. XV. of 1842, from the port of Calcutta.*

Emigration to Mauritius to be from Calcutta only.

II. [Protector of emigrants at Calcutta.]

A.D. 1843. ACT XXIV.

AN ACT *for the better Prevention of the Crime of Dacoity:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 18*th November*, 1843.

WHEREAS it has been considered necessary to adopt more stringent measures for the conviction of professional dacoits, who belong to certain tribes systematically employed in carrying on their lawless pursuits in different parts of the country, and for this purpose to extend the provisions of Acts XXX. of 1836, XVIII. of 1837, and XVIII. of 1839, for the prevention of thuggee, to persons concerned in the perpetration of dacoity;—

Preamble.

See Acts XIV. 1844, X. 1847, and XI. 1848.

* This prohibition was superseded, as respects Madras, by Act VIII. 1847, but it remains in force at Bombay.

Member of a dacoity gang may be transported and imprisoned.

I. It is hereby enacted, that whosoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of dacoits, either within or without the territories of the East-India Company, shall be punished with transportation for life, or with imprisonment for any less term with hard labour.

Persons charged with dacoity may be committed by any magistrate.

II. And it is hereby enacted, that any person accused of the offence of dacoity with or without murder, or of having belonged to a gang of dacoits, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by dacoity, may be committed by any magistrate within the territories of the East-India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the zillah where that Court sits.

No futwa required in cases of dacoity.

III. And it is hereby enacted, that no Court shall, on trial of the offences specified in this Act, require any futwa from any law officer.

A.D. 1843. ACT XXV.

AN ACT *for making the Provisions of* 5 *and* 6 *Vict. Chapter* 47, *Section XI. applicable to India:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 23*rd November*, 1843.

Preamble.

WHEREAS doubts have arisen as to whether so much of an Act passed in the fifth and sixth year of the reign of her Majesty Queen Victoria, entitled "An Act to amend the Laws relating to the Customs," as provides "that from and after the 5th day of January, 1843, any articles of foreign manufacture, and any packages of such articles imported into the United Kingdom or into the British possessions abroad, bearing any names, brands, or marks, purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom, shall be forfeited," is applicable to the territories subject to the Government of the East-India Company;—

Foreign manufactures introduced under marks of manufacturers in the United Kingdom, liable to forfeiture.

It is hereby enacted, that from and after the 1st day of May, 1844, any articles of foreign manufacture, and any packages of such articles imported into the territories subject to the Government of the said Company, bearing any names, brands, or marks, purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom, shall be forfeited.

A.D. 1844. ACT II.

AN ACT *respecting the Expense of preparing Copies of Proceedings in Appeals:* PASSED *by the Honourable the President of the Council of India in Council, on the 17th February,* 1844, *with the Assent of the Right Honourable the Governor-General of India.*

Preamble.

WHEREAS it is just and necessary that the expense of preparing copies in the English language of the proceedings in cases appealed to the Queen in Council, as now required by Section V. Regulation XVI. 1797, and Section XXXIV. Regulation V. 1803, of the Bengal code—Section V. Regulation VIII. of 1818, of the Madras code—and Clause Sixth, Section C. of Regulation IV. of 1827, of the Bombay code, should be borne by the parties prosecuting those appeals;—

The expense of copying and translating papers in appeals to the Queen in Council to be paid by appellants.

I. It is hereby enacted, that in all cases of appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay, and at Allahabad, the expense of preparing two copies of all the proceedings held and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English language such of the aforesaid proceedings as may have been originally drawn out in the country languages, shall be defrayed by the parties prosecuting the appeal.

Sudder Court to require a deposit for such expense as a preliminary to admission of appeal.

II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to cause the deposit by the appellant, within the time allowed for furnishing security for costs of appeal, of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the appeal admitted, and to give notice thereof to the appellant and respondent respectively.

A.D. 1844. ACT V.

AN ACT *for the Suppression of all Lotteries not authorized by Government:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 2nd March,* 1844.

Preamble.

WHEREAS great mischief has been found to result from the existence of lotteries;—

Lotteries declared illegal.

I. It is hereby enacted, that in the territories subject to the Government of the East-India Company, all lotteries, not authorized by Government,

shall from and after the 31st day of March, 1844, be deemed, and are hereby declared, common and public nuisances, and against law.

Penalty for keeping lotteries without sanction of Government.

II. And it is hereby enacted, that from and after the day aforesaid, no person shall, in the said territories, publicly or privately, keep any office or place for the purpose of drawing any lottery not authorized by Government, or shall have any such lottery drawn, or shall knowingly suffer any such lottery to be drawn in his or her house; and any person so offending shall for every such offence, upon conviction before a justice of the peace, or magistrate, be punished by fine not exceeding Rs. 5,000.

Punishment for acting in aid of lotteries.

III. And it is hereby enacted, that from and after the day aforesaid no person shall, under any pretence, device, or description whatsoever, agree to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number, or figure in any such lottery, or shall publish any proposal for any of the purposes aforesaid; and any person offending in any of the matters mentioned in this section shall, for every such offence, upon conviction before a justice of the peace or magistrate, be punished by fine not exceeding Rs. 1,000.

Half of fine to Government and half to informer.

IV. And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied one half to the use of Government and the other half to the use of the informer or informers.

A.D. 1844. ACT VIII.

AN ACT *to authorize the Governments of Fort William in Bengal, Fort St. George and Bombay, to remove Native Officers, Soldiers, and Followers, imprisoned under Sentence of a Court-Martial, from one Prison to another:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 9th April,* 1844.

[Repealed by Act VII. 1850.]

A.D. 1844. ACT IX.

AN ACT *for authorizing the Institution of Suits in the Courts of Principal Sudder Ameens and Sudder Ameens:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 13*th April,* 1844.

Suits within the competency of principal sudder ameens and sudder ameens to decide shall be instituted in their courts.

I. IT is hereby enacted, that within the territories subject to the presidencies of Fort William in Bengal, Fort St. George, and Bombay, all suits within the competency of a principal sudder ameen or sudder ameen to decide, shall ordinarily be instituted in the courts of those officers respectively.

Power of zillah judge to withdraw or transfer such suits.

II. Provided, nevertheless, and it is hereby enacted, that it shall be competent to a zillah or city judge to withdraw such suits from the court in which they may have been instituted, and to try them himself, or to refer them for trial to any other court subordinate to his authority, and competent in respect to the value of the suit, whenever he may see sufficient reason for so doing.

Where there is more than one principal sudder ameen, or sudder ameen, the zillah judge shall settle the local jurisdiction of the moonsifs subordinate to each.

III. And it is hereby enacted, that whenever there shall be more than one principal sudder ameen, or more than one sudder ameen, attached to the court of any zillah or city judge, and not having any special local jurisdiction, it shall be the duty of such judge to appoint, from time to time, the several moonsifs' divisions which shall constitute the special local jurisdiction of each of such principal sudder ameens and sudder ameens, and that each of such principal sudder ameens and sudder ameens shall be empowered to take cognizance of all such suits as are mentioned in Section I. of this Act, provided the landed or other real property to which this suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the suit may be commenced shall reside as a fixed inhabitant within the limits of such local jurisdiction as aforesaid.

Summary appeals from principal sudder ameens and sudder ameens, to zillah judge.

IV. And it is hereby enacted, that it shall be competent to the zillah or city judge to receive a summary appeal from the orders of any principal sudder ameen or sudder ameen, rejecting any original suit cognizable by him, and that all rules applicable to summary appeals from orders dismissing original suits on the ground of any default shall be applicable to the summary appeals given by this Act.

Stamps in suits cognizable, as to amount, by sudder ameens.

V. And it is hereby enacted, that in all suits which in respect to value are cognizable by a sudder ameen, the same stamps shall be sufficient in any other court as would have been sufficient in the Court of Sudder Ameen.

A.D. 1844. ACT XIV.

AN ACT *for regulating the Proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay, and at Agra, in regard to Sentences of Transportation for Life:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 6th July,* 1844.

Sudder Courts sentencing prisoners to imprisonment for life, shall sentence them to transportation.

Extended by Act X. 1847, in cases of thuggee and dacoity.

I. IT is hereby enacted, that within the territories subject to the Government of the East-India Company, whenever any of the Sudder Courts shall sentence any offender to imprisonment for life, it shall at the same time sentence such offender to transportation beyond sea for life, unless there should be special reasons inducing the court to think such prisoner not a proper subject for transportation, which special reasons the court is hereby directed to record.

A single judge of the Sudder may add sentence of transportation to that of imprisonment for life passed by other authorities.

II. And it is hereby enacted, that, within the said territories, whenever any offender shall have been sentenced in the first instance by a commissioner of circuit or sessions judge to imprisonment for life, or whenever a commissioner of circuit or sessions judge shall have recommended that sentence of imprisonment for life be passed upon any offender, it shall be competent to a single judge of the Sudder Court to sentence such offender at the same time to transportation beyond sea for life, and such single judge is hereby directed to sentence such offender at the same time to transportation beyond sea for life, unless there should be special reasons inducing him to think such offender not a proper subject for transportation, which special reasons he is hereby further directed to record.

A.D. 1844. ACT XV.

AN ACT *for amending the Schedules of Import Duties annexed to Act XIV. of* 1836, *to Act I. of* 1838, *and to Act VI. of* 1844: PASSED *by the Governor-General of India in Council, on the 6th July,* 1844.

[Repealed by Section III. Act IX. 1845.]

A.D. 1844. ACT XVI.

AN ACT *for increasing the Excise and Import Duties heretofore payable to the Government on Salt manufactured within or imported into the Territories subject to the Government of the Presidency of Bombay:* PASSED *by the Governor-General of India in Council, on the 27th July,* 1844.

Preamble.

WHEREAS by Act VI. of 1844 all inland, transit, and town duties levied on behalf of the Government of the East-India Company, within the limits of the territories subordinate to the presidency of Fort St. George, were abolished, and the impost on salt manufactured and sold within the said territories was raised to a rate more in accordance with the tax on the same article borne by other divisions of the British possessions: and whereas, although inquiries which have been instituted as to the origin and extent of certain town duties and local cesses within the presidency of Bombay, with a view to their abolition, have not yet been completed, it is nevertheless expedient, in order to equalize the average prices of salt within the presidencies of Fort St. George and Bombay, to increase as well the customs duty on imported salt as the excise duty heretofore and at present payable on salt that may be delivered from any salt-work within the territories subject to the Government of the presidency of Bombay:

Abolished by Act XIX. 1844.

Rescission.

I. It is hereby enacted, that from the 1st day of September, 1844, Section I. of Act XXVII. of 1837, shall be repealed.

Amount of duty.

II. And it is hereby enacted, that from the 1st day of September, 1844, there shall be paid to the Government on every maund of 3,200 tolas weight of salt that may be delivered from any salt-work within the territories subject to the Government of the presidency of Bombay a duty of one Company's rupee.

See Act XXXI. 1850.

Rescission.

III. And it is hereby enacted, that Section XLIII. Act I. of 1838 shall be repealed.

Payment of excise duty to exempt salt from all further duties.

IV. And it is hereby enacted, that on application by the exporter from any port of the presidency of Bombay of any salt that has paid the excise duty fixed by Section II. of this Act, a certificate shall be granted by the collector of customs at the place of export, under authority of which certificate the quantity of salt specified therein shall be landed at any other port of the said presidency of Bombay, and shall be passed from such port into the interior, under cover of the passes applicable to the free passage of salt, without the levy of any further duty either of excise or customs.

Rescission.

V. And it is hereby enacted, that so much of Schedule A, appended to Act I. of 1838, as provides that on salt imported by sea into any port of the presidency of Bombay, and not covered by a pass, there shall be levied a duty of eight annas per maund of 80 tolas per seer, and so much of

Schedule B, appended to Act I. of 1838, as provides that salt having paid the excise duty of eight annas a maund shall be permitted to be exported, free of duty, from any port or place in the presidency of Bombay, shall be repealed.

Customs duty on imported salt.

Excise duty exempts salt from export duty.

VI. And it is hereby enacted, that on salt imported by sea into any port of the presidency of Bombay, and not covered by a pass, there shall be levied a duty of one Company's rupee per maund of 3,200 tolas weight, and that salt having paid the excise duty of one Company's rupee per maund shall be permitted to be exported, free from further duty, from any port of the presidency of Bombay.

A.D. 1844. ACT XVII.

AN ACT *for the Administration of Justice and Collection of the Revenue in the Territory which formed the State of Colaba, and which has lapsed to the British Government:* PASSED *by the Governor-General of India in Council, on the* 10*th August,* 1844.

General administration of Colaba to be carried on by an agent of Government.

Boundaries of Colaba.

I. IT is hereby enacted, that from and after the 1st day of October, 1844, the administration of civil and criminal justice, the superintendence of the police, and the collection and superintendence of the revenues of every description within that portion of the lapsed territory of Colaba, which is bounded on the east by the Nagotna river, and the talookas of Sunkse and Rujpooree—on the south by the Rewodunda river—on the west by the sea, including the islands of Colaba, Oonderee, and Khanderee (Henery and Kenery)—and on the north by the harbour of Bombay, shall vest in such agent to the Governor of the presidency of Bombay as shall be appointed by the Governor in Council, and shall be exercised by the said agent with the aid of such assistants as may be appointed by the said Governor in Council.

Government may prescribe rules for, and determine authority of the agent and officers under him.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of the agent aforesaid, and of all the officers subordinate to his control and authority, and to determine to what extent the decision of the agent in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Adawlut, and to define the authority to be exercised by the agent in criminal trials, and what cases he shall submit to the decision of the Foujdary Adawlut.

Foujdary Adawlut is to proceed in trials referred by the agent according to general rules.

III. And it is hereby enacted, that upon receipt of any criminal trials referred by the agent under the rules which may be hereafter prescribed by the Governor in Council, the Foujdary Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration,

seem to the court requisite and proper, in the same manner, as if the trial had been sent up in ordinary course from a sessions judge.

IV. And it is hereby enacted, that upon the receipt of any appeal from a decree of the agent duly preferred under the rules to be prescribed as aforesaid, the Court of Sudder Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts.

Sudder Adawlut to try appeals from agent according to general rules.

V. And it is hereby enacted, that each of the portions of the lapsed territory of Colaba not included within the boundaries specified in Section I. of this Act, shall be subject to the same laws and regulations, and shall be governed in all respects in the same manner as the portions of the territories subject to the Government of Bombay, by which such portions of the said lapsed territory may be respectively surrounded, or to which such portions of the said lapsed territory may be respectively contiguous.

What laws to govern portions of Colaba not included in the boundaries described in Section I.

A.D. 1844. ACT XIX.

AN ACT *for abolishing Town Duties and Mookauts, and all Taxes upon Trades and Professions within the Presidency of Bombay:* PASSED *by the Governor-General of India in Council, on the* 14*th September*, 1844.

IT is hereby enacted, that from the 1st day of October, 1844, all town duties, kusub veeras, mohturfas, balloôtee taxes and cesses of every kind on trades or professions, under whatsoever name levied within the presidency of Bombay, and not forming a part of the land revenue, shall be abolished.

Town duties, cesses and taxes on trades and professions, abolished

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A.D. 1844. ACT XXI.

AN ACT *for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East-India Company to Jamaica, British Guiana, and Trinidad:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 16*th November*, 1844.

I. IT is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby, so far as the same are applicable to the emigration of Natives from the ports of Calcutta, Madras, and Bombay respectively, to Jamaica, British Guiana, and Trinidad, respectively, are repealed. Provided always, that the aforesaid Act, No. XIV. of 1839, shall remain in full force in all the ports of India, except the ports aforesaid, and in regard to

Partial repeal of Act XIV 1839

emigrants from India proceeding to other places than Jamaica, British Guiana, Trinidad, and Mauritius.

Natives may emigrate from Calcutta, Madras, and Bombay, to Jamaica, British Guiana, and Trinidad.

II. And it is hereby enacted, that after the passing of this Act, emigrant labourers, being native inhabitants of the territories under the Government of the East-India Company, shall be allowed to pass and to be conveyed to Jamaica, British Guiana, and Trinidad respectively, from the ports of Calcutta, Madras, and Bombay respectively, but not otherwise.

Appointment and duties of emigration agents.

III. And it is hereby enacted, that at each of the three ports aforesaid, it shall be lawful for the Government of the presidency within which the port is situated, to authorize such persons as may be nominated by the Governments of Jamaica, British Guiana, or Trinidad, to act as emigration agents at the aforesaid ports respectively, and to exercise the powers conferred on emigration agents by this Act; and every such emigration agent shall make monthly reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

Appointment of protector of emigrants.

IV. And it is hereby enacted, that at each of the three ports aforesaid, it shall be lawful for the Government of the presidency within which the port is situated to nominate a proper person to act as protector of emigrants at the aforesaid ports respectively.

Emigrant ships to be licensed.

V. And it is hereby enacted, that it shall not be lawful to convey any emigrant, being a native of India, who may embark for the purpose of labouring for hire in any of the colonies of Jamaica, British Guiana, or Trinidad, from any of the ports aforesaid, in any ship or vessel, unless a license be obtained for carrying emigrants in such ship or vessel from the Government of the presidency in which the port is situated. A fee not exceeding one rupee per emigrant, as may be regulated from time to time by the local Government, shall be demandable in respect of every such license, which fee shall be carried to the credit of the said Government, and the granting or withholding any such license shall be entirely discretionary with the Government; and in consideration of such license, the master of every ship conveying or destined to convey emigrants from India shall execute a bond binding himself and his owners in a penal sum of Rs. 10,000 to conform to the several conditions herein provided, and the said bond shall be executed in duplicate, that it may be put in suit either at the place of execution or in the colony to which the emigrants are to be conveyed; and one copy shall be forwarded to the Government of such colony, to be dealt with as the case may require. And every ship or vessel in which any such emigrant shall be conveyed without a license being obtained as aforesaid shall be liable to be forfeited, and the master thereof shall be liable, as for a misdemeanor, in a fine of Rs. 1,000 for every such emigrant so illegally conveyed

Fee for license.

Master of ship to give bond.

Penalty for breach of conditions.

Emigrants to have certificates.

VI. And it is hereby enacted, that it shall not be lawful for the master of any vessel licensed as above to receive on board any emigrant labourer, as above provided, unless such labourer shall have in his possession and show a certificate or pass, to be given to him by the emigration agent of the port, countersigned by the protector, stating his name, and the name of

his father, and his age, and certifying that, having appeared before such agent, he has declared his willingness to proceed to work for hire in the colony to which such vessel is bound, and has been engaged by him as an emigrant to such colony on the part of the Government thereof.

Master of ship to have a certificate from emigration agent

VII. And it is hereby enacted, that before any ship or vessel, so licensed to carry emigrant labourers as above provided, shall be cleared out from any of the aforesaid ports for any one of the three colonies aforesaid, it shall be necessary for the master of such ship or vessel, provided any emigrant of the description aforesaid shall embark therein, to obtain from the emigration agent, so nominated and authorized at such port as aforesaid, a certificate under the hand of such agent to the effect following, that is to say—

1st. That such agent has by personal communication done what is required on the part of such agent by the 3rd article of the schedule hereunto annexed; provided always, that every such agent shall make the inquiries specified in such schedule in an open court or public office to which all persons shall have admission.

2ndly, That all the directions contained in the 4th, 5th, 6th, and 7th articles of the said schedule for ensuring the health and safety of passengers have been duly complied with.

3rdly. That (in addition to the directions contained in the said schedule) such rules have been complied with as the Governor-General in Council shall from time to time frame touching the medical attendance and medical stores and the proper clothing to be provided, the species of provisions suited to native habits, the number of women that should accompany the emigrants, or other matters.

Probable lengths of voyage

VIII. And it is hereby enacted, that the probable lengths of the voyages to Jamaica, British Guiana, and Trinidad from the ports aforesaid respectively, shall for the purposes of this Act be deemed to be

For the port of Calcutta, twenty weeks;
For the port of Madras, nineteen weeks;
For the port of Bombay, nineteen weeks;

and that no ship or vessel carrying emigrant labourers to Jamaica, British Guiana, or Trinidad, shall sail from Calcutta, Madras, or Bombay, at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing.*

Master to deliver list to emigration agent.

IX. And it is hereby enacted, that before any ship or vessel shall be cleared out from any of the aforesaid ports for Jamaica, British Guiana, or Trinidad, it shall be necessary for the master thereof to deliver to the emigration agent, so nominated and authorized at such port as aforesaid, the list specified in Article 10 of the said schedule, and to obtain such duplicate thereof as is required by the said article.

Penalty for clearing ship without observing above rules

X. And it is hereby enacted, that if the master of any ship or vessel shall at any of the ports aforesaid take on board such ship or vessel any emigrant labourer of the description aforesaid, and shall clear such ship or vessel for Jamaica, British Guiana, or Trinidad, without having fully com-

* Altered, as respects Madras, by Act XXV. 1845.

plied with every particular hereinbefore required previous to clearance, he shall be liable, on conviction before any magistrate or justice of the peace, in a penalty of Rs. 200 for every emigrant labourer so taken on board his ship or vessel.

Penalty for taking emigrants without entry in list before clearance.

XI. And it is hereby enacted, that if the master of any ship or vessel shall, after having cleared such ship or vessel at any such port as aforesaid for Jamaica, British Guiana, or Trinidad, take on board any such emigrant labourer as aforesaid, without having entered such emigrant labourer in such list as aforesaid, or without having obtained such duplicate as aforesaid, containing the entry of such emigrant prior to clearance, he shall be liable, on conviction before any magistrate or justice of the peace, in a penalty not exceeding Rs. 500 for every emigrant so taken on board his ship or vessel.

Penalty for acts fraudulently vitiating the certificate.

XII. And it is hereby enacted, that if any master of any ship or vessel cleared for Jamaica, British Guiana, or Trinidad as aforesaid, shall after having obtained such certificate as aforesaid, fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship or vessel, its passengers or other matters to which such certificate relates, such master shall be liable, on conviction, in any penalty not exceeding Rs. 5,000, beside incurring a forfeiture of any bond executed in consideration of any license obtained for the vessel as originally described.

Custom-house officers and pilots may search and detain for the purposes of this Act.

XIII. And it is hereby enacted, for the greater security against emigrant labourers being embarked for Jamaica, British Guiana, or Trinidad, contrary to the provisions of this Act, that all the powers vested by law in the officers of customs in regard to the searching and detention of ships or vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of such emigrants as aforesaid on board ships or vessels bound for Jamaica, British Guiana, or Trinidad, and of other offences against this Act; and it is further enacted, that all pilots in the service of the East-India Company shall be invested with the same powers and be charged with the same duties as preventive officers of customs in this behalf.

Penalty for crimping.

XIV. And it is hereby enacted, that every person who shall attempt, by means of intoxication or by false imprisonment, or other means of crimping, to export any native on board any ship or vessel contrary to the provisions of this Act, shall be liable to be punished, on conviction before a magistrate, in a fine not exceeding Rs. 500, or imprisonment not exceeding six months; provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

XV. [*Relates to Calcutta only.*]

Punishment for forgery.

XVI. And it is hereby enacted, that if any person shall forge, or shall use, knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

XVII. And it is hereby enacted, that all the several penalties to which the masters of ships or vessels are liable by this Act, shall be enforced by information laid before any justice of the peace at the instance of the emigration agent or of any officer appointed for the purpose by the Government of the place or presidency, or may be enforced by putting in suit the bond given by the master, if such bond has been given in consideration of the license granted to the ship. Penalties how to be enforced.

SCHEDULE.

1. The Governors of Jamaica, British Guiana, and Trinidad may, from time to time, nominate such persons as they shall see fit to act as emigration agents at Calcutta, Madras, and Bombay. SCHEDULE.

2. The remuneration to be given to any such agent in India, shall not depend upon or be regulated by the number of the emigrants sent by him, but shall be in the nature of an annual salary.

3. Every such emigration agent shall ascertain by personal communication with every emigrant, previously to his or her embarkation from the port or place for which such agent shall have been appointed, that such emigrant has not been induced to emigrate by any fraud, false or unreasonable expectation, and is aware of the distance of the colony to which he or she is about to emigrate from the place where he or she is about to embark; and such agent shall explain the real advantages likely to be derived by such emigrant from a removal to such colony, at the same time cautioning such emigrant against unreasonable and unwarrantable expectations; and such agent shall also ascertain that every such emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4. It shall not be lawful to ship on board of any ship or vessel carrying emigrants from India to any of the colonies aforesaid, any number of passengers exceeding the proportion of one person for every two tons of the registered burthen of such ship or vessel, and no such ship or vessel carrying emigrants and having more than one deck, shall have less than the height of six feet at the least between decks, and in case such ship or vessel shall have only one deck, a platform shall be laid beneath such deck and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that the lower beams shall project above the same, and that no such ship or vessel shall have more than two tiers of berths, and that no such ship or vessel shall carry passengers on any such voyage to any of the colonies aforesaid unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier throughout the whole extent thereof: and whatever may be the tonnage of the ship or vessel, no greater number of passengers shall be taken on board of such ship or vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform unoccupied by goods or stores not being the personal luggage of such person.

5. In the computation of the number of passengers within the meaning of these Regulations, two children under the age of ten years shall be considered as equal to, and shall be reckoned, as one person only.

6. There shall be actually laden on board of every ship or vessel, conveying emigrants into any of the colonies aforesaid, at the time of departure of such ship or vessel from the port or place at which such labourers shall be embarked, good and wholesome provisions for the use and consumption of the said passengers over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons for every week of the computed voyage for every passenger on board such ship or vessel, such water being carried in tanks or sweet casks, and a supply of rice, bread, biscuit, flour, oatmeal, or bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger; provided always that when any such ship

or vessel shall be destined to call at a port or place in the course of her voyage, for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling, shall be deemed to be a compliance with this Regulation, and provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case when it shall be made to appear, that by the special authority of the Governor-General of India in Council any other articles of food were substituted for the articles above enumerated, as being in his judgment equivalent thereto.

7. Before any such ship or vessel shall be cleared out on any such voyage, the agent appointed for the port or place from which such ship or vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the crew of the ship or vessel, and shall also ascertain that such ship or vessel is generally reputed sea-worthy, and that the directions hereinbefore contained for ensuring the health and safety of the passengers have been complied with, and shall grant a certificate thereof, under his hand, to the master of such ship or vessel.

8. The master of every ship or vessel conveying emigrants to Jamaica, British Guiana, or Trinidad, shall be bound to provide for and furnish to every such emigrant, and his wife and children, a sufficient quantity of good and wholesome provisions for his, her, and their daily maintenance during such voyage, and during the space of forty-eight hours next after the arrival of such ship or vessel at the place of destination.

9. Two copies of these Regulations, authenticated by the signature of the agent at the port or place at which such emigrants shall embark, shall be delivered to the master by such agent, on demand, at the time of clearance, and shall be kept on board of every ship or vessel carrying such emigrants as aforesaid, and one of such copies shall, upon request made at reasonable times to a master of the ship or vessel, be produced to the passenger for his perusal.

10. The master of every ship or vessel carrying emigrants from India to any of the three colonies aforesaid shall, before clearing out such ship or vessel, deliver to such agent at the port or place from which such vessel is cleared out, a list in writing, together with a duplicate of the same, specifying, as accurately as may be, the names, ages, and occupations of all and every the emigrants on board such ship or vessel, and such agent shall thereupon deliver to the said master the counterpart of such lists, signed by such agent, and the said master shall, on the arrival of such ship or vessel at the place of destination, and previous to the disembarkation of any such emigrants, give notice of the arrival of such ship or vessel, and deliver the said counterpart of such list to the protector of immigrants appointed or to be appointed at the colony at which the said ship or vessel may have arrived.

11. Provided always, that nothing in these Regulations contained shall apply to any ship or vessel in the service of the Lords Commissioners of the Admiralty, or to any of her Majesty's ships of war.

A.D. 1844. ACT XXII.

AN ACT *for regulating the Copper Coinage of the Mints in the Territories of the East-India Company:* PASSED *by the Governor-General of India in Council, on the 28th December,* 1844.

Designation and value of copper coins.

I. IT is hereby enacted, that from and after the passing of this Act the following copper coins only shall be issued from any mint within the territories of the East-India Company:—

1. A pice weighing .... 100 grains troy
2. A double-pice ..... 200 " "
3. A pie of one-twelfth of an anna-piece... $33\frac{1}{3}$ " "

With such devices as shall be fixed for the same by the Governor-General in Council.

To be legal tender.

II. And it is hereby enacted, that from and after the passing of this Act the said pice shall be a legal tender throughout the territories of the East-India Company for $\frac{1}{64}$ of the Company's rupee, and the said double pice for $\frac{1}{32}$ of the Company's rupee, and the said pie for $\frac{1}{192}$ of the Company's rupee.

Legal tender in Bombay.

III. And it is hereby enacted, that all copper coins of the weight specified in Section I. of this Act which may have been issued since the passing of Act XXI. of 1835, from any mint within the presidency of Bombay, shall be legal tender respectively for the value specified in Section II. of this Act within that presidency.

Limit of legality of tender.

IV. Provided always, that none of the said copper coins shall be legal tender except for fractions of a rupee.

A.D. 1845. ACT II.

AN ACT *for regulating the Punishment of Adultery in the Courts of the East-India Company in the Territories subject to the Presidency of Bombay:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 18th January,* 1845.

Punishment to be awarded for adultery.

I. IT is hereby enacted, that whenever any person shall be convicted of the offence of adultery by any of the courts of the East-India Company within the territories subject to the presidency of Bombay, such person shall be sentenced to fine, or imprisonment, or both, at the discretion of the Court, and shall not be sentenced to any other punishment whatever, any law or Regulation to the contrary notwithstanding.

Husband or wife alone competent to prosecute.

II. And it is hereby enacted, that no person shall be admitted to prosecute any woman for adultery other than the husband of such woman, and that no person shall be admitted to prosecute any man for adultery other than the husband of the woman with whom such man is alleged to have committed adultery.

A.D. 1845. ACT VI.

AN ACT *to amend the Law regarding the Issue of Commissions of the Peace:* PASSED *by the Governor-General of India in Council, on the 5th of April,* 1845.

Preamble.

WHEREAS it is inconvenient to issue a new general commission of the peace whenever the Executive Government of any of the presidencies of Fort William in Bengal, Madras, or Bombay shall nominate and appoint any person not named in the general commission last issued to act as justices of the peace—It is hereby enacted, that the Supreme Court of Judicature of each of the said presidencies shall and may, from time to time, upon the order or warrant of the Executive Government of such presidency, issue separate commissions to any persons not named in the general commission of the peace last issued, who by law are capable of being appointed to the office of justice of the peace, and who shall be nominated and appointed by such Executive Government to act as justices of the peace within and for such presidency and the places subordinate thereto, or within and for the presidency town. And all such commissions shall be issued in the name of the Queen's Majesty, her heirs and successors, under the seal of the Supreme Court, and tested in the name of the chief justice of such court, and shall be filed of record in the Court of Oyer and Terminer of the presidency or place wherein and for which the same shall be issued, as supplementary to the general commission of the peace last issued which shall remain in full force.

Supreme Courts may issue special commissions of the peace for individuals not named in the general commissions.

A.D. 1845. ACT VIII.

AN ACT *for amending Section LXXV. and Chapter XVII. of Regulation IV. of* 1827 *of the Bombay Code:* PASSED *by the Governor-General of India in Council, on the* 19*th of April,* 1845.

Preamble.

WHEREAS it has been deemed expedient to amend Section LXXV. and Chapter XVII. of Regulation IV. of 1827 of the Bombay code, under which security for the payment of costs or the performance of the orders of a civil court is demanded from public officers in cases of appeal which are carried on under the authority and at the expense of Government:

It is hereby enacted, in modification of the law above mentioned, that from the date of promulgation of this Act, no security shall be demanded for the payment of costs or the performance of the orders of a civil court from any public officer in cases of appeal which are carried on under the authority and at the expense of Government in the Bombay presidency.

Security not to be demanded from public officers in suits carried on under orders of Government.

A.D. 1845. ACT IX.

AN ACT *for amending the Schedules of Import Duties annexed* [*to Act XIV. of* 1836 *] *to Act I. of* 1838, [*and to Act VI. of* 1844,*] *and for repealing Act XV. of* 1844: PASSED *by the Governor-General of India in Council, on the* 17*th of May*, 1845.

I. IT is hereby enacted, that from and after the 1st day of June, 1845, [so much of Schedule (A) annexed to Act XIV. of 1836,*] so much of Schedule (A) annexed to Act I. of 1838, [and so much of Schedule (A) annexed to Act VI. of 1844,*] as relates to the rates of duty to be charged on the goods next hereinafter specified, be repealed.

Repeal of certain duties in Schedule (A), Act I. 1838.

Marine stores, the produce or manufacture of the United Kingdom or of any British possession.

Marine stores, the produce of any other place or country.

Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British possession.

Metals, wrought or unwrought, excepting tin, the produce or manufacture of any other place.

Woollens, the produce or manufacture of the United Kingdom or of any British possession.

Woollens, the produce of any other place or country.

Cotton and silk piece-goods, cotton twist and yarn, the produce of the United Kingdom or of any British possession.

Cotton and silk piece-goods, cotton twist and yarn, the produce of any other place.

Wines and liqueurs.

Spirits.

All manufactured articles, not included in the enumeration contained in the said schedules.

II. And it is hereby enacted, that from and after the 1st day of June, 1845, all the provisions of the three above-mentioned Acts which have reference to so much of the Schedules (A) to those Acts respectively annexed as is repealed by this Act, shall, from and after the said day, be taken to have reference to the schedule annexed to this Act, as if the schedule annexed to this Act had been part of each of the Schedules (A) above mentioned.

Repeal of the enactments touching such rescinded duties.

* These two Acts relate respectively to Bengal and Madras.

Repeal of Act XV. 1844.

III. And it is hereby enacted, that Act XV. of 1844, intituled an Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, be repealed.

SCHEDULE.*

Amended schedule.

RATES of Duty to be charged on the following Goods imported by Sea into any Port of the Presidencies of Fort William in Bengal, Bombay, or Fort St. George.

Enumeration of Goods.	When imported on British bottoms.	*When imported on Foreign* Bottoms.*
Marine stores, the produce or manufacture of the United Kingdom or of any British Possession	5 per cent.	10 *per cent.*
Ditto ditto, the produce or manufacture of any other place or country ...	10 per cent.	20 *per cent.*
Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession	5 per cent.	10 *per cent.*
Metals, ditto ditto, the produce or manufacture of any other place ...	10 per cent.	20 *per cent.*
Woollens, the produce or manufacture of the United Kingdom or of any British Possession	5 per cent.	10 *per cent.*
Woollens, the produce of any other place or country	10 per cent.	20 *per cent.*
Cotton and silk piece-goods, and all manufactures of cotton or silk, except thread, twist, and yarn, or of cotton or silk, mixed with any other material, the produce of the United Kingdom or of any British Possession... ...	5 per cent.	10 *per cent.*
Ditto, the produce of any other place...	10 per cent.	20 *per cent.*
Cotton thread, twist, and yarn, the produce of the United Kingdom or of any British Possession	3½ per cent.	7 *per cent.*
Ditto, the produce of any other place...	7 per cent.	14 *per cent.*
Porter, ale, beer, cyder, and other similar fermented liquors	5 per cent.	10 *per cent.*
Wines and liqueurs	1 rupee per imperial gallon.	2 *rupees per imperial gallon.*
Spirits	1 rupee and 8 annas per imperial gallon.	3 *rupees per imperial gallon.*
And the duty on spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.		
All manufactured articles, not included in the above enumeration	5 per cent.	10 *per cent.*

* By Act VI. 1848, the difference in the rates of duty on goods imported or exported on British and Foreign bottoms is abolished, the second column of the schedule is therefore inoperative in respect of foreign ships (see note to Section IV. Act I. 1838). Act V. 1849 provides that all duties declared leviable on any given quantity are also leviable on greater or less quantities than that specified.

A.D. 1845. ACT X.

AN ACT *for empowering Courts to issue Warrants in Cases of Failure to serve Summons:* PASSED *by the Governor-General of India in Council, on the 17th May,* 1845.

Courts may issue warrants against parties who evade service of summons.

IT is hereby enacted, that in the territories subject to the Government of the East-India Company, except the local jurisdiction of the Supreme Courts, whenever in any criminal case a summons to the defendant is by law the first process, it shall be lawful for any court which has issued a summons in such case, to issue a warrant for the apprehension of the defendant in such case, upon proof that due diligence has been used to serve such summons upon the defendant, and that the officer or other person whose duty it may be to serve such summons upon the defendant has been unable to serve such summons, any law or Regulation to the contrary notwithstanding.

A.D. 1845. ACT XI.

AN ACT *for the better Collection, Management, and Disbursement of certain Public Funds and Moneys for Police and Municipal Purposes throughout the Islands of Bombay and Colaba:* PASSED *by the Governor-General of India in Council, on the 24th of May,* 1845.

Rescission.

I. IT is hereby enacted, that Sections XVI. XXVII. and XXVIII., and Chapter III. of Regulation XIX. of 1827, of the Bombay code, be repealed.

Extension of sec. 158, 33 Geo. III. cap. 52.

II. And it is hereby enacted, that the powers of her Majesty's justices under Section 158 of 33 George III. cap. 52, shall be held to extend over the whole of the Islands of Bombay and Colaba.

Returns to be made of property subject to tax.

III. And it is hereby enacted, that any person chargeable with any rate or tax on account of any houses, buildings, or grounds, or of any shop or stall, or of any carriages, carts, or horses, or any other matter or thing, shall, upon the order of any two or more justices, make a true return in writing of the annual value of all such buildings, houses, and grounds, and of all such shops or stalls, carriages, carts, or horses, and other matter or thing, and any person who shall refuse or neglect to deliver such return within eight days after being required so to do, or shall wilfully make a false return, shall be liable to a fine not exceeding Rs. 200.

Numbers on houses chargeable with assess-

IV. And it is hereby enacted, that it shall be lawful for the justices, for the better identifying of any house or building chargeable with any

ment.—Penalty for defacing number.

assessment, to cause a number to be painted or fixed upon such house or building; and it is hereby enacted, that any person who shall obliterate, deface, or destroy such number shall be liable to a fine not exceeding Rs. 200.

V. And it is hereby enacted—

Quarterly assessment to be made by collector of land revenue.

1. That it shall be lawful for the collector of land revenue of Bombay to make a quarterly assessment on each and every shop and stall within the islands of Bombay and Colaba, according to such rates as the said Governor in Council shall fix by proclamation in the Government Gazette.

How to be collected.

2. That the amount of such assessment shall be collected by the collector, and received in the first instance by such person or persons as he may appoint, such security having been given for the due discharge of the office as the said collector may require, and the same liabilities and responsibilities as attach to individuals employed in the collection of land revenue of the said presidency shall apply to all persons engaged in collecting the tax.

To be collected quarterly, and receipts granted.

3. That the tax shall be collected quarterly, and for each payment made a receipt signed by the collector shall be given by the person receiving the amount.

Exempted buildings.

VI. And it is hereby further enacted, that all religious edifices, all temporary houses, bungalows, or other temporary buildings situated within the limits of military cantonments and occupied by European and native officers, or by the soldiers and sepoys of her Majesty's and the Company's army, shall be exempted from the payment of any assessment.

What sums of money are to be disbursed according to this Act.

VII. And it is hereby enacted, that the several sums of money specified under the following heads shall, in future, be disbursed in the manner provided by this Act, viz.

All sums of money which shall hereafter be collected under the authority of—

The statute 33rd Geo. 3, cap. 52, sec. 158.

Rule, Ordinance, and Regulation II. of 1812, Art. 2 and 6.

Rule, Ordinance, and Regulation II. of 1813.

Proclamation, dated 23rd July, 1817, by the Governor in Council of Bombay, of an order of the Court of Directors, dated 29th January, 1817, made under the authority of the charter of the Court of Requests of Bombay, dated 8th January, 1753, save and except the fees thereby made payable to the clerk of the said court for his own benefit.

Rule, Ordinance, and Regulation I. of 1818.

Rule, Ordinance, and Regulation II. of 1827.

Regulation XIX. of 1827, Clauses Second, Fourth, Fifth, and Sixth.

Act No. XXVIII. of 1839.

And Section V. of this Act.

All sums of money which shall be levied by the Court of Petty Sessions, or by the magistrates of police of Bombay, or by any of her Majesty's justices of the peace within the islands of Bombay and Colaba, on account of any fines or penalties imposed by them for the breach of any Rule, Ordinance, or Regulation, or of any Act of the Parliament of Great Britain, or of any Act of the Government of India.

All sums of money which shall be collected under Act V. of 1842, on the granting of any licenses for the sale of spirituous or other liquors within the town and islands of Bombay and Colaba, after payment thereout of the expenses of such office establishment and of such expenses incidental thereto as may be fixed and approved by the Governor in Council of Bombay.

And all unapplied balances which at the time of the passing of this Act may be in the general treasury to the credit of the county or assessment funds, or in the possession of the said Court of Petty Sessions, or of the magistrates of police, or any of her Majesty's justices of the peace, derived from any of the above enumerated sources.

Act not to apply to certain fines.

VIII. And it is hereby enacted and provided, that nothing in this Act shall extend or apply to any fines imposed by the collector of customs of Bombay in his office and character of collector, nor to such portion of any of the fines which the Court of Petty Sessions, or either of the magistrates of police, may, in their discretion, order, and which they are hereby authorized to order, to be paid to any prosecutor or his witnesses as and for compensation for loss of time, or for costs necessarily incurred by him in prosecuting the offences for which such fines or penalties may have been ordered to be paid.

Certain sums to be paid out of Municipal Fund.

IX. And it is hereby enacted, that all sums of money which are by the said Act, No. XXVIII. of 1839, ordered to be paid out of the fund therein called the county fund, for the purposes in such Act specified, shall henceforth be paid out of the fund in this Act designated the Municipal Fund.

Establishment and control of Municipal Fund.

Board of Conservancy for administering fund, and carrying Act into effect.

X. And it is hereby enacted, that the several sums of money referred to in Section VII. of this Act shall, when collected and received, save and except so much as is otherwise provided for, be paid into the general treasury, and form a fund to be denominated the Municipal Fund, and such fund shall be placed under the supervision and control of her Majesty's justices of the peace in sessions assembled, or such other persons as to the Government of Bombay may seem most fit; and that for the administering the same and carrying this Act into effect, an executive body shall be formed, which shall be denominated the Board of Conservancy, which shall be composed of seven members, of whom the senior magistrate of police shall be chairman, and the collector of Bombay ex officio a member, and the other five members shall consist of two European and three native resident justices, who shall be elected by her Majesty's bench of justices, or by such other persons as the Government of Bombay may appoint to supervise and control the fund, and shall remain in office for a period of three years, when a fresh election of five other justices to form such Board of Conservancy shall be made by the said bench, or persons appointed for the purpose by the Government of Bombay; and so on at the end of every three years successively a like new election shall take place, but nothing shall prevent the re-election of the same justices, or any one or more of them, to form the said board, if, in the discretion of the bench, or other persons appointed to superintend and control the Municipal Fund, it shall be deemed advisable for the interests of the public; and in the event of a vacancy occurring by death or otherwise

among any of the said five members, the said bench or persons vested with the power by the Government of Bombay shall, as soon as convenient, elect some other justice of the peace to supply the said vacancy for the remainder of the three years, and until the next general election shall take place.

Certain sum to be applied to police.

XI. And it is hereby enacted, that from and out of the said Municipal Fund, an annual sum of Rs. 45,000 shall, in the first instance, be deducted and paid by equal monthly instalments, and carried to the credit of the Governor in Council of Bombay in the general treasury, to be applied by the said Governor in Council for and on account of the expenses of the general police throughout the islands of Bombay and Colaba; and in the event of such expenses being at any time hereafter increased by a necessary augmentation of the police force, or through any other good cause, a further sum of money, bearing the same proportion to such increased expenses of the police aforesaid, as the sum of 45,000 bears to the present expenses of the police aforesaid, shall be in like manner deducted and appropriated out of the said fund.

Appropriation of balance of the fund.

XII. And it is hereby enacted, that after the deduction and payment of such sum of money as aforesaid, the residue of the said fund shall be appropriated and disbursed by the said board, under and subject to the control of her Majesty's justices of the peace, or other persons appointed for that purpose by the Government, for the following purposes:

1. Defraying the expenses of the establishments necessary for the purposes of this Act.

2. Repairing, cleaning, draining, and lighting the public roads, streets, bridges, tanks, market places, and other public places of a like kind.

Powers of Board of Conservancy in public improvements.

XIII. And it is hereby enacted, that it shall be lawful for the said board, with the approval of her Majesty's justices of the peace, or other persons vested with that power by the Government, to construct any new roads or streets, or other public works, tending to the improvement of the said islands, connected with the comfort and health of the inhabitants thereof, which, in their discretion, they shall deem necessary, and for that purpose to cause estimates and plans to be framed and to be submitted to the Governor in Council of Bombay for his sanction; but no such new road or street, or other public work, shall be constructed without such sanction of the Governor in Council first had and obtained.

Powers of Board in the appointment of officers.

XIV. And it is hereby enacted, that it shall be lawful for the said board, with the sanction of her Majesty's justices of the peace in sessions assembled, or with the sanction of such other persons as may be vested with the control of the Municipal Fund by the Government of Bombay, to nominate and appoint, subject to the approval of the Governor in Council of Bombay:

One or more superintendents of repairs, clerk to the markets, overseers and scavengers, and any other officer that may be found necessary for carrying out the purposes of this Act.

And such persons shall be under the immediate orders and control of the said board, and shall receive such salaries, to be paid out of the said

fund, as the said justices or other authorities appointed by the Government of Bombay shall fix, and the Governor in Council of Bombay shall approve.

Monthly statements of convictions and punishments to be furnished to Board.

XV. And it is hereby enacted and directed, that for better enabling the said bench or persons empowered by the Government of Bombay to supervise and control the Municipal Fund, to ascertain the amount of fines payable to the said fund from any of the sources aforesaid, there shall in every month be laid before them a summary of all convictions and punishments pronounced and determined by the said Court of Petty Sessions, or either of the magistrates of police, or any justice of the peace respectively, during the preceding month.

Collection of sums authorized by Chapter IV. Reg. IX. 1827.

XVI. And it is hereby enacted, that the sums authorized to be collected under the provisions of Chapter IV. of Regulation XIX. of 1827 shall in future be collected by such person as the Governor in Council shall appoint.

Annual accounts to be rendered by board.

XVII. And it is hereby enacted, that the said board shall bring to account all items of receipt, and shall as soon as practicable, after 30th of April of each year, render to the Governor in Council of Bombay and the controlling authorities, a yearly account of their receipts and disbursements under this Act, and the same shall be audited by such persons as the said Governor in Council shall appoint.

Appeals to Government.

XVIII. And it is hereby enacted, that in the event of the body vested with the supervision and control of the fund rejecting any measure submitted for their sanction by the Conservancy Board, it shall be lawful for the said board, if they see fit, to refer the subject to the Governor in Council of Bombay, whose decision thereon shall be final.

The term "Municipal Fund," to include police, county, and assessment funds.

XIX. And it is hereby enacted and declared, that the terms "Police Fund," "County Fund," and "Assessment Fund," used in any Rule, Ordinance, or Regulation, or in any Act of the Government of India in force in the islands of Bombay and Colaba, shall be taken to mean the "Municipal Fund" hereinbefore described.

Recovery of fines.

XX. And it is hereby enacted, that all fines imposed under this Act, the recovery of which is not otherwise specially provided, shall be recovered and levied under Act No. II. of 1839.

A.D. 1845. ACT XII.

AN ACT *for authorizing the Employment of the Uncovenanted Assistant Register of the Sudder Dewanny and Sudder Foujdary Adawlut of Bombay on the Duties of Register:* PASSED *by the Governor-General of India in Council, on the 7th June,* 1845.

Duties of uncovenanted assistant register.

IT is hereby enacted, that it shall be competent to the Court of Sudder Dewanny and Sudder Foujdary Adawlut of Bombay to assign to the office of uncovenanted assistant register to the court any duties at present performed by the register.

A.D. 1845. ACT XV.

AN ACT *for declaring and enacting the Privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue Proceedings:* PASSED *by the Governor-General of India in Council, on the 16th August,* 1845.

Preamble.

I. WHEREAS doubts have arisen whether the Regulation XV. of 1816 of the Bengal code is still in force, or how much, if any, of its provisions is still in force:

Bengal Regulation XV. 1816.

It is therefore hereby declared and enacted, that the said Regulation, and every provision thereof, are still in force.

II. And whereas by virtue of Regulation VIII. of 1817 of the Madras code, the law for the Madras army is the same law hereinbefore declared and enacted for the Bengal army, and whereas it is expedient and just that the law should be the same for the Bombay army also:

Bengal Regulation XV. 1816, extended to Bombay.

It is therefore hereby enacted, that the said Regulation of the Bengal code is extended to the army of Bombay, except in so far as any of its provisions may be in their own nature inapplicable to that army.

All courts to receive plaints in soldiers' suits without stamps.—Exception.

III. And whereas it is just and reasonable to extend the privileges conferred upon native officers and soldiers by the Regulations aforesaid in respect of exemption from stamps in legal proceedings:

It is hereby enacted, that all the courts of the East-India Company shall receive plaints in original suits, not being suits originating in loans or in pecuniary transactions of a commercial nature, upon unstamped paper, when the plaintiff is a native officer or soldier in the military establishment of the presidency of Fort William, Fort St. George, or Bombay.

IV. Provided that the value of any stamp from which a plaintiff may be exempted by the last preceding section shall be charged in the decree on behalf of Government to the party cast, or to the parties respectively, in such proportions as may be deemed equitable.

Value of stamps to be charged in the decree.

V. And it is hereby enacted, that if any native officer or soldier shall institute a suit under this Act in which he is not bonâ fide interested, or not interested to the extent alleged in the plaint, for the purpose of enabling some other person to avail himself fraudulently of the advantages conferred by this Act, such native officer or soldier shall be liable to a fine not exceeding five times the value of the stamped paper which the party interested would have required for the institution of the suit otherwise than under this Act, such fine to be levied in the manner prescribed for the execution of decrees.

Fine for fraudulent abuse of this privilege.

VI. VII. [*Modifications of Section IV. Act IV. of* 1840, *which does not extend beyond the Presidency of Bengal.*]

APPENDIX TO ACT XV. 1845.

A.D. 1816. BENGAL REGULATION XV.

[EXTENDED TO BOMBAY BY SECTION II. OF THE PRECEDING ACT.]

A REGULATION *for expediting the Trial of Civil Suits in which the Native Officers and Soldiers attached to Regular Corps on the Military Establishment of the Presidency of Fort William may be parties, and for giving to them certain Facilities in the Maintenance of their Rights, Claims, and Interests:* PASSED *by the Governor-General in Council, on the* 10*th June*, 1816.

Preamble.

WHEREAS by the local distribution of the regular forces on the military establishment of the presidency of Fort William, the native officers and soldiers are liable to be stationed at places remote from their homes and families; and whereas the constitution and nature of the service render it generally impracticable to grant to the native officers and soldiers a frequent or prolonged leave of absence from their military duties, in consequence of which, material difficulty and embarrassment have been unavoidably experienced by them in maintaining and preserving their just rights, claims, and interests; and whereas the fidelity and courage exhibited by the native troops, in various wars on the continent of India, and the zeal and alacrity which they have uniformly displayed in voluntarily em-

barking on foreign expeditions, entitle them to the favourable consideration of Government; the Governor-General in Council, with the view of manifesting his sense of their good conduct, and of affording to them every facility in the maintenance of their rights, claims, and interests, which can be granted consistently with a due regard to the fundamental principles established for the administration of civil justice and for the collection of the land revenue, has enacted the following rules, to be in force, from the period of their promulgation, throughout the territories immediately dependent on the Presidency of Fort William.

Provisions of certain Regulations modified.

II. Such parts of the Regulations in force as prohibit the courts of civil justice from corresponding by letter with parties in depending suits, or as direct that no pleadings shall be received in any civil cause except from the parties or their authorized pleaders; such parts of the Regulations in force as require generally, that depending causes shall be brought to trial according to the order in which they may stand on the file; and such parts of the Regulations in force as prohibit the courts from furnishing copies of decrees, or from receiving mokhtarnamahs on any other paper than the prescribed stampt paper, are hereby declared to be subject to the modifications contained in the following sections of this Regulation.

Native officers and soldiers may authorise any person to institute and conduct suits in which they may be a party.

III. *First.* Whenever a native officer or soldier on the military establishment of the Presidency of Fort William may be desirous of instituting a regular or summary suit in any of the local courts of civil judicature, and shall not be able to obtain a furlough or leave of absence for the purpose of superintending or conducting such suit in person, he shall be at liberty to execute a mokhtarnamah or power of attorney, drawn up according to the form No. 1. in the appendix to this Regulation, authorising and appointing any member of his family or other person to institute and carry on the suit, and to perform all acts in the original trial of the cause, and eventually in appeal, in the same manner as if the party were himself personally present and consenting.

The mokhtarnamah need not be written on stampt paper.

Second. Such mokhtarnamah shall not be required to be written on stampt paper, but shall be executed by the native officer or soldier in the presence of the commanding officer of the corps or detachment to which he may belong, who shall countersign the same, in testimony of its having been voluntarily executed.

The above document is to be transmitted to the register of the court by the commanding officer.

Third. The mokhtarnamah so executed is to be transmitted by the commanding officer, under cover of a public letter drawn up in the form No. 2. of the appendix, addressed to the register of the court in which the suit is to be instituted; and upon the receipt of such letter, a notice shall be issued by the court for the purpose of procuring the attendance, either personally or by a constituted vakeel, of the person nominated in the mokhtarnamah.

The judge is to communicate the inability or refusal of a mokhtar to undertake the trust.

Fourth. If such person shall refuse to attend the court in person or by a constituted vakeel, or shall decline to undertake the trust, or shall subsequently die, or be prevented by any other sufficient cause from discharging the duty confided to him, the court shall cause information of the same to be communicated to the native officer or soldier, by an extract from the proceedings of the court, enclosed in an official letter to be addressed by the register, or in his absence by the judge, to the commanding officer of the corps.

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Fifth. If the person nominated and appointed in the mokhtarnamah shall attend the court in person or by a constituted vakeel, and shall consent to undertake the duty confided to him, the original mokhtarnamah shall be deposited in the court and annexed to the proceedings which may be held on the suit. The mokhtar or attorney, so appointed and attending, may, at his option, either prosecute the suit and conduct the pleadings in person, or may constitute for that purpose one or more of the authorised pleaders of the court, under the provisions of Regulation XXVII. 1814. In all other respects the suit shall be instituted, tried, and determined, in conformity with the general rules in force for the institution and trial of other similar suits; provided, however, that when the native officer or soldier, who may be the real party in the suit, shall not be himself present at the time of its decision, an authenticated copy of the decree, written on unstampt paper, shall, in each instance be transmitted, through the register of the court, to the commanding officer of the corps or detachment, for the purpose of its being communicated to the native officer or soldier.

The mokhtarnamah to be filed with the court's proceedings, if accepted by the person therein nominated to superintend the cause.

See Act I. 1845.

The suit is to be investigated in other respects under the general Regulations.

Sixth. It is hereby explained, that no part of the preceding clauses, or of the subsequent provisions of this Regulation, is intended to be applicable to claims originating in loans granted by a native officer or sepoy, or in pecuniary transactions of a commercial nature.

IV. *First.* For the purpose of preventing, as far as may be practicable, the occurrence of ex parte trials in suits instituted against native officers or soldiers, it is hereby further enacted, that whenever a suit may be instituted in any civil court against a person being a native officer or soldier attached to a regular corps on the military establishment of the honourable Company under the Presidency of Fort William, the plaintiff or appellant shall be required to state the same distinctly in his plaint or petition of appeal; and to specify, to the best of his knowledge and belief, the corps to which such native officer or soldier may be attached. If the plaintiff or appellant shall be unable to specify the corps, it shall be the duty of the court trying the suit to endeavour to ascertain the point by such means of inquiry as may appear practicable and expedient.

Rules to be observed to prevent an ex parte trial of a cause in which a soldier or native officer is defendant.

Second. A notice in the usual form, together with a copy of the plaint or petition of appeal on unstampt paper, enclosed in an official letter drawn up according to the form No. 3. of the appendix, shall be then transmitted by the register, or in his absence by the judge, to the commanding officer of the corps, for the purpose of its being communicated to the native officer or soldier against whom the suit may have been instituted: a similar notice shall be issued, when omitted in the first instance from ignorance of the defendant's being a native officer or soldier attached to a regular corps, if at any subsequent period during the trial of the suit, it should appear to the court, that the defendant or respondent is a native officer or soldier as above described; and in cases in which the plaintiff or appellant shall wilfully and intentionally omit to state, in his plaint or petition of appeal, that the defendant or respondent is a native officer or soldier, the court shall impose on such plaintiff or appellant a discretionary fine, not exceeding one-fourth of the amount of the institution fee, or stamp duty, in each case.

A notice in the usual form to be transmitted to the commanding officer.

Fine to be imposed on a plaintiff or appellant in certain cases.

Third. The commanding officer, after causing the notice to be served

The commanding

officer, on receipt of the notice, will cause it to be duly served.

on the party to whom it is addressed, if practicable, shall return it to the register or judge, with the written acknowledgment of the party endorsed thereupon, together with any mokhtarnamah which the party may be desirous of executing according to the form No. 1 in the appendix, for appointing an attorney to defend the suit in his behalf. If from any cause the notice transmitted to the commanding officer cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the register or judge from whom it may have been received, with information of the cause which has prevented the service of it. In such case the court shall either make a further reference, with the view of causing the notice to be duly communicated to the native officer or sepoy, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, may appear to be proper and consistent with the Regulations.

Measures to be adopted by the judge if the notice cannot be served.

Rule to be observed by commanding officers in granting leave of absence to soldiers and native officers, to enable them to superintend their own suits.

V. *First.* When a native officer or soldier may obtain a furlough for the purpose of instituting or defending a civil suit in any of the local courts of civil judicature, he shall be at liberty to request from the commanding officer of the corps or detachment, an official letter addressed to the register of the court in which the suit is to be tried; such letter shall be drawn up according to the form No. 4 of the appendix to this Regulation, but shall not give cover to any petition, nor contain any statement or explanation of the merits or circumstances of the case.

The court authorized to nominate a vakeel on behalf of the native officer or soldier.

Second. Such letter shall be delivered in person by the native officer or soldier to the register, or in his absence, to the judge of the court, who is hereby authorized, at the request of the party, to nominate a vakeel of the court for the purpose of furnishing to the native officer or soldier his legal aid and advice in preparing the pleadings, and in carrying on the prosecution or defence of the suit. The register or judge shall at the same time cause the native officer or soldier to be duly apprised of the provisions contained in Regulation XXVII. 1814, and of any other Regulation in force, relative to the duties and established fees of the pleaders attached to the civil courts, which must of course be observed whenever a native officer or soldier may wish to consult or employ a pleader.

Provisions of Regulation XXVII. 1814, to be duly attended to on such occasions.

See Act I. 1846.

A native officer or soldier may plead his own cause, or appoint his own pleader.

VI. Nothing contained in the preceding section shall be construed to prohibit a native officer or soldier from pleading his cause in person, or from employing any other authorized pleader of the court, whom he may prefer, instead of the pleader nominated for him by the court.

Suits instituted under this Regulation to be heard as soon as possible.

VII. *First.* The courts of civil judicature are hereby authorized and required to bring to a hearing, without regard to the order in which they may be filed, all suits, excepting those of the nature alluded to in the sixth clause of Section III. of this Regulation, in which a native officer or soldier, who may have obtained leave of absence from his corps, may be a party, and to pass a decision on such suits as speedily as may be consistent with the general rules in force, and with the due administration of justice.

Mode to be adopted by the court in the event of the expiration of the furlough before the cause be decided.

Second. If the cause cannot be brought to a decision previously to the expiration of the furlough granted to such native officer or soldier, the judge or register before whom the suit may be depending is hereby vested with a discretionary authority to grant to such native officer or soldier, an

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extension of his leave of absence for a period sufficient to admit of a reference being made to the commanding officer of the corps with a view to ascertain whether the furlough can be prolonged for any further specific period. But whenever a judge or register may avail himself of the discretion above vested in him, he shall be careful to report the same immediately in an official letter to the commanding officer of the corps to which the native officer or sepoy may be attached.

Mode to be adopted by the court in the event of the expiration of the furlough before the cause be decided.

Third. In all cases in which a native officer or soldier may return to his corps before a final decision can be passed in his suit, he shall be at liberty either to leave the further conduct of the suit to a constituted mokhtar under a mokhtarnamah, duly executed according to the form No. 1 in the appendix to this Regulation, or to one or more of the established pleaders of the court empowered to act for him by a regular vakalutnamah. In either case a copy of the decree which may be passed in the suit shall be transmitted for the information of the native officer or soldier, in the manner prescribed in the fifth clause of Section III. of this Regulation.

Rules to be observed when any land or real property belonging to a soldier or native officer is attached.

VIII. Whenever any land or real property belonging to a native officer or soldier may be attached by a court of justice, for the purpose of realizing the amount of any judgment, fine, or penalty imposed on such native officer or soldier, the court shall cause notice of the same to be issued in the manner prescribed in the second clause of Section IV. of this Regulation, and shall postpone the sale for such definite period as may appear reasonable, for the purpose of affording an opportunity to the native officer or soldier to discharge the amount of the judgment, fine, or penalty.

Any registered proprietor of an estate paying revenue to Government, entertained as a native officer or soldier, may notify the same to the collector.

IX. *First.* Any registered proprietor of an estate paying revenue to Government, who may be entertained as a native officer or soldier on the military establishment under the presidency of Fort William, shall be at liberty to notify the same in a petition to the collector, specifying the rank which he may hold and the designation of the corps to which he may be attached. A memorandum of such notification shall be inserted by the collector in the public registers and accounts relative to the estate and its assessment; and in cases in which the estate, or a portion of the estate, of a native officer or soldier, who may have duly made such notification, shall become liable to public sale for the recovery of an arrear of revenue, the collector shall address an official letter to the commanding officer of the corps, drawn up in the form prescribed in No. 5 of the Appendix to this Regulation; the collector shall enclose in such letter a written notice, signed and sealed by himself and attested by the principal native officer on his establishment, specifying the amount of the arrear, the date on which it became due, and requiring it to be paid at the treasury of the collectorship within such limited period of time, as on consideration of the distance at which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.

Duty of the collector in such cases, and in the event of an arrear of revenue becoming due.

Duty of the commanding officer on receiving from the collector a report of such arrears.

Second. The commanding officer of the corps shall acknowledge the receipt of the collector's letter, and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.

Collectors how to proceed in cases where arrears may not be dis-

Third. If the native officer or soldier shall omit to discharge the arrear within the term specified in the notice, the collector shall report the cir-

charged within a specified time.

cumstances of the case to the Board of Revenue, or to the Board of Commissioners, or to the commissioner in Behar and Benares respectively, transmitting at the same time a copy of the notice and of his correspondence with the commanding officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the board or commissioner.

Nothing in this Regulation to be construed as affecting the provisions of Regulation XX. 1810, or any modification of the latter Regulation.

X. *First.* Nothing contained in this Regulation shall be construed to affect or alter the rules and provisions of Regulation XX. 1810, or to authorize the commanding officer of any corps or detachment to correspond with the civil courts, or with the collectors, regarding the merits of any judgment or order passed by them in the discharge of their official duty under the provisions of this Regulation.

The provisions of this Regulation not to be considered applicable to certain descriptions of persons.

Second. Nothing contained in this Regulation shall be construed to modify or to affect the existing rules for the trial of civil suits, in which persons who may have been discharged from the service, or who may be attached to provincial battalions, or to local or irregular corps, or who may be camp followers, or non-combatant retainers of the army, or who may be relations, or members of the family of a native officer or soldier, may be parties; the foregoing provisions of this Regulation are to be considered as strictly and exclusively applicable to native officers or soldiers who may be entertained in regular corps, and on the actual strength of the army, on the establishment of the presidency of Fort William.

Substance of general orders of the 10th of April, 1810, and 22nd of July, 1814.

XI. *First.* The following clauses of this section, forming the substance of general orders passed by the Vice-President in Council on the 10th of April, 1810, and on the 22nd of July, 1814, are hereby enacted for general information.

Facilities afforded to native officers and soldiers for the remittance of money.

Second. The sub-treasurer at the presidency, the residents at Delhi and Lucknow, the collectors of land revenue, and the paymasters at stations subject to the presidency of Fort William, including the paymasters who may at any time be serving beyond the territories of the Honourable Company, are hereby authorized to grant bills in duplicate, payable at sight, and at the usual rate of exchange, on any other treasury, for any sums which may be paid into their respective treasuries on account of native officers or soldiers, who may be desirous of remitting money from one part of the country to another.

No deduction whatever to be made.

Third. Provided that in all cases in which sicca rupees may be paid into a treasury by a native officer or soldier, he shall be entitled to receive the same amount at the treasury where payment is required, without any deduction whatever.

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Appendix.

APPENDIX.

FORM No. 1.

Whereas I, A. B., inhabitant of village pergunnah in the district of son of of the caste of at present [here specify his rank] of the battalion of the regiment stationed at having occasion to institute (or, defend) an action for * do hereby nominate and appoint C. D.† to be my attorney, (or, mokhtar) and I bind myself to abide by whatever he the said attorney may do in my behalf in the prosecution ‡ (or, defence) of the said suit.

The said attorney will either prosecute (or, defend) the suit in person, or will appoint one or more of the authorized vakeels of the court to prosecute (or, defend) the same under the instructions of the said attorney, as he may think proper. In the event of an appeal being preferred from the judgment passed in the suit, the said attorney is further hereby empowered to act for me on the appeal, in like manner as on the original suit.

(Signed)

Executed in my presence,

Com^ds. Detacht. or, Bat. or, Regt.

FORM No. 2.

To

Register of the Civil Court of Zillah

Sir,

In conformity with the third clause of Section III. Regulation XV. 1816, I have the honour to transmit to you a power of attorney duly executed in my presence by A. B. son of C. D. of the caste of inhabitant of officer (or, sepoy) [as the case may be] of the battalion regiment.

I am, Sir, &c.

Com^ds. Bat. Regt.

FORM No. 3.

To

Commanding the Battalion Regiment at

Sir,

In conformity with the second clause of Section IV. Regulation XV. 1816, I have the honour to transmit to you the copy of a plaint filed, in case No. in this court, by against , stated to be an officer (or, sepoy) in the corps under your command, together with a notice, which I request you will cause to be served on the said . You are requested to acknowledge the receipt of the notice, and to inform the court whether it has been duly served on the above-named or the reasons which may have prevented its being served on him.

I am, Sir, &c.

Dewanny Adawlut. Judge.

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* Here insert briefly the nature and object of the suit, and the name of the adverse party or parties.

† Here insert the name, place of residence, caste, and his relationship (if any) to the native officer or soldier.

‡ As the case may be.

Appendix (*continued*).

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FORM No. 4.

To

Register
Zillah, or City or Provincial Court.

Sir,

In conformity with the first clause of Section V. Regulation XV. 1816, I have the honour to inform you, that the bearer of this letter, A. B. son of C. D. of the caste of inhabitant of officer (or, sepoy) of the battalion regiment, &c. has obtained permission to be absent from his corps for the period of months, for the purpose of instituting (or, defending) a suit in the Zillah, City, or Provincial Court of

I am, Sir, &c.

Com^dg^, Bat. Regt.

FORM No. 5.

To

Commanding officer of the Battalion Regiment.

Sir,

I have the honour to inform you that the right of A. B. in the village (or, estate) of is about to be sold on account of arrears of public revenue for the year

In conformity with the first clause of Section IX. Regulation XV. 1816, I herewith enclose a written notice to be communicated to said to be an officer (or, sepoy) in the corps under your command, and who is alleged to be the proprietor (or, sharer) of the village or estate in question.

You are requested to acknowledge the receipt of this letter, and to furnish the information required in the second clause of Section IX. Regulation XV. 1816.

I am, Sir, &c.

Dewanny Adawlut. Judge.

A.D. 1845. ACT XVIII.

AN ACT *for the Punishment of Offences committed by Convicts sentenced to Imprisonment for Life:* PASSED *by the Governor-General of India in Council, on the* 23*rd of August*, 1845.

Preamble.

WHEREAS it is expedient that offences committed by convicts sentenced to imprisonment for life should be punished with greater severity than such offences are punished with in other cases:

Punishment to be awarded to convicts for endangering wilfully the life of any one.

I. It is hereby enacted, that within the territories subject to the government of the East-India Company, except within the local limits of the jurisdiction of the Supreme Courts, and except within the settlements in the Straits of Malacca, any convict sentenced to imprisonment for life,

or to transportation for life, who does any act with the intention of thereby causing, or with the knowledge that he or she is likely thereby to cause the death of any person, shall, upon conviction thereof, before the Sessions Court, subject to confirmation by the Sudder Court, be punished with death, or with transportation for life, or with corporal punishment not exceeding thirty-nine stripes, whether such convict does or does not by such act cause the death of any person.

Punishment of convicts for other offences.

II. And it is hereby enacted, that any such convict as aforesaid who commits any offence whatever other than the offences mentioned in the preceding section, or who is guilty of violent or disorderly conduct after having been punished by the order of the superintendent of the jail, in which he or she is confined, shall, upon conviction thereof, before the Sessions Court, subject if the sentence be transportation for life to confirmation by the Sudder Court, be punished with transportation for life, or with corporal punishment not exceeding thirty-nine stripes.

A.D. 1845. ACT XX.

AN ACT *providing Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East-India Company:* PASSED *by the Governor-General of India in Council, on the 6th of September,* 1845.

Preamble.

WHEREAS by an Act passed in the third and fourth years of the reign of his Majesty King William the Fourth, intituled "An Act for effecting an Arrangement with the East-India Company and for the better government of his Majesty's Indian Territories till the Thirtieth Day of April, One Thousand Eight Hundred and Forty-four," it was amongst other things enacted, that it should be lawful for the Governor-General of India in Council, from time to time, to make Articles of War for the government of native officers and soldiers in the military service of the Company, and for the administration of justice by Courts Martial to be holden on such officers and soldiers; and such Articles of War, from time to time, to repeal or vary and amend; and that such Articles of War should be made and taken notice of in the same manner as all other the Laws and Regulations to be made by the said Governor-General under the said Act, and should prevail and be in force and should be of exclusive authority over all the native officers and soldiers in the said military service, to whatever presidency such officers and soldiers might belong or wheresoever they might be serving: provided, nevertheless, that until such Articles of War should be made by the said Governor-General in Council, any Articles of War for or relating to the government of the Company's native forces, which at the time of the said Act coming into operation should be in force and use in any part or parts of the territories under the Government of the said Company should remain in force:

It is hereby enacted, in pursuance of the above recited authority, that the following Articles of War shall, from and after the seventh day of October, 1845, be the Articles of War for the government of the said native officers and soldiers in the military service of the said Company, and for the administration of justice by Courts Martial to be holden on such officers and soldiers.

ARTICLES OF WAR.

[*Repealed by Section I. Act XIX.* 1847.]

A.D. 1845. ACT XXIX.

AN ACT *to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges:* PASSED *by the Honourable the President of the Council of India in Council, on the 27th December,* 1845, *with the Assent of the Right Honourable the Governor-General of India.*

Appointment of a joint zillah judge.

I. IT is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, with the consent of the Governor-General of India in Council, whenever the state of civil judicial business may render it expedient, to appoint in any zillah, within the territories subject to the presidency of Bombay, a joint judge, who shall be vested with co-extensive powers and a concurrent jurisdiction with the judges of the zillah, except that he shall not keep a file of civil suits, but shall transact such civil business only as he may receive from the judge of the zillah.

Powers and jurisdiction.

Rules to apply to.

II. And it is hereby enacted, that, the Rules and Regulations at present in force, or which may hereinafter be enacted for the guidance of the judge, shall be equally applicable to the joint judge.

Oath or declaration.

III. And it is hereby enacted, that previous to exercising the functions of his office, the joint judge shall take the oath prescribed for the judge, with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

Seal.

IV. And it is hereby enacted, that the seal of the joint judge shall be the same as is used by the judge of the zillah.

Appointment of a joint session judge.

V. And it is hereby enacted, that it shall be lawful for the said Governor in Council, with the consent of the said Governor-General in Council, whenever the state of criminal judicial business may render it expedient, to appoint in any zillah within the said territories, a joint session judge,

who shall be vested with co-extensive powers and a concurrent jurisdiction with the session judge of the zillah, except that he shall not receive original complaints, but shall transact such criminal business only as he may receive from the session judge of the zillah. Powers and jurisdiction.

VI. And it is hereby enacted, that the Rules and Regulations at present in force, or which may hereafter be enacted for the guidance of the session judge, shall be equally applicable to the joint session judge. Rules to apply to.

VII. And it is hereby enacted, that previous to exercising the functions of his office, the joint session judge shall take the oath prescribed for the session judge with the requisite alteration of designation, or when the oath is dispensed with, under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath. Oath or declaration.

VIII. And it is hereby enacted, that the seal of the joint session judge shall be the same as is used by the session judge of the zillah. Seal.

A.D. 1845. ACT XXXI.

AN ACT *for exempting the Pensions of Soldiers and others from Attachment by Process of the Courts of the East-India Company:* PASSED *by the Honourable the President of the Council of India in Council, on the 27th December,* 1845, *with the Assent of the Right Honourable the Governor-General of India.*

[Repealed and new rules substituted by Act VI. 1849.]

A.D. 1846. ACT I.

AN ACT *for amending the Law regarding the Appointment and Remuneration of Pleaders in the Courts of the East-India Company:* PASSED *by the Honourable the President of the Council of India in Council, on the 7th January,* 1846, *with the Assent of the Right Honourable the Governor-General of India.*

I. and II. [Repeal of certain rules of the Bengal and Madras codes.]

III. And it is hereby enacted, that Clause Third, Section XLVII. Clause Second, Section XLVIII. Section LV Regulation II. 1827, of Repeal of certain enactments.

the Bombay code; and so much of Clause First, Section VII. Regulation XXIX. 1827 of the same code, as empowers the zillah judges of the Dekhan and Khandesh to examine pleaders and grant certificates of qualification to practise in their courts, be repealed.

Office of pleader open to all persons producing certificate of qualification from Sudder Court.

IV. And it is hereby enacted, that the office of pleader in the courts of the East-India Company shall be open to all persons of whatever nation or religion, provided that no person shall be admitted a pleader in any of those courts unless he have obtained a certificate in such manner as shall be directed by the Sudder Courts, that he is of good character and duly qualified for the office, any law or Regulation to the contrary notwithstanding.

Barristers of the Supreme Courts in India may plead in the Sudder Courts.

V. Provided, nevertheless, and it is hereby enacted, that every barrister of any of her Majesty's courts of justice in India, shall be entitled, as such, to plead in any of the Sudder Courts of the East-India Company; subject, however, to all the rules in force in the said Sudder Courts applicable to pleaders, whether relating to the language in which the court is to be addressed, or to any other matter.

Suspension of certain enactments.

VI. And it is hereby enacted, that Section XXV. Regulation XXVII. 1814, of the Bengal code, Section XXV. Regulation XIV. 1816, of the Madras code, and Section LII. Regulation II. 1827, of the Bombay code, shall cease to be enforced, excepting for the purpose specified in Section VII. of this Act.

Parties at liberty to settle with vakeels for their fees.

VII. And it is hereby enacted, that parties employing authorized pleaders in the said courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and that it shall not be necessary to specify such agreement in the vakalutnama; provided that when costs are awarded to a party in any regular suit, original or appeal, decided on the merits, against another party, the amount to be paid on account of fees of pleaders, shall be calculated according to the rules contained in the sections of Regulations specified in Section VI. of this Act; and that when costs are awarded in other cases the amount to be paid on account of such fees shall be one-fourth of what it would have been in a regular suit decided on its merits.

How costs are to be settled when awarded in a decree.

Private agreements between client and vakeel to be enforced only by suit.

VIII. And it is hereby enacted, that private agreements between parties and their pleaders respecting the remuneration to be paid for professional services shall not be enforced otherwise than by a regular suit. See Act XXX. 1850.

Rule about fees for opinions repealed.

IX. And it is hereby enacted, that so much of Section XX. Regulation XXVII. 1814, of the Bengal code, and of Section XX. Regulation XIV. 1816 of the Madras code, as prescribes the rate of fees to be received by authorized pleaders for legal opinions, be repealed; and that persons taking such opinions from authorized pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

X. And it is hereby enacted, that whenever a pleader has rendered himself liable to a fine in the court of a principal sudder ameen or sudder ameen, it shall be competent to such principal sudder ameen or sudder ameen to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the zillah or city judge, whose decision thereon shall be final.

Principal sudder ameens and sudder ameens may fine vakeels.

XI. And it is hereby enacted, that the rules applicable to pleaders in the courts of the zillah and city judges shall henceforth be applicable, so far as they are capable of application, to pleaders in the Moonsifs' Courts.

Rules for pleaders in Zillah Courts applicable to Moonsifs' Courts.

XII. And is is hereby enacted, that whenever a pleader has conducted himself in such a manner in the court of a moonsif as would have rendered him liable to a fine if he had so conducted himself in the court of a zillah or city judge, it shall be competent to such moonsif to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the zillah or city judge, whose decision thereon shall be final.

Moonsifs may fine vakeels.

Appeal to zillah judge.

XIII. [*Madras.*]

A.D. 1846. ACT II.

AN ACT *relating to unscrewed Cotton exported from the Continent of India, and imported at the Bombay Presidency:* PASSED *by the Honourable the President of the Council of India in Council, on the 7th January,* 1846, *with the Assent of the Right Honourable the Governor-General of India.*

I. IT is hereby enacted, that unscrewed cotton wool shall be allowed to be exported from any subordinate port of the Bombay presidency to the port of Bombay, free of the duty specified in Schedule (B) of Act No. I. of 1838, and to the port of Bombay from any port of the Madras presidency, free of the duty specified in Schedule (B) of Act No. VI. of 1844, to which port of the Madras presidency the Governor in Council thereof may, from to time, be pleased, by a notification in the official Gazette, to grant such exemption of that duty: Provided that the cotton wool so exported shall not be shipped on a square-rigged vessel.

How unscrewed cotton may be exported to Bombay, free of duty.

II. And it is hereby enacted that cotton wool shall be allowed to be imported into the port of Bombay, from any part of the continent of India, free of the duty specified in Schedule (A) of the said Act No. I. of 1838.

Cotton wool may be imported into Bombay, free of duty.

A.D. 1846. ACT III.

AN ACT *for the Establishment and Maintenance of Field Boundary Marks in the Presidency of Bombay:* PASSED *by the Honourable the President of the Council of India in Council, on the 7th January,* 1846, *with the Assent of the Right Honourable the Governor-General of India.*

Preamble.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields:

Revenue officers may require erection of boundary marks.

I. It is hereby enacted, that it shall be lawful, within the territories subject to the presidency of Bombay, for such revenue officers as the Governor in Council may entrust with that authority to require that marks be erected and maintained by the owners or occupants on the boundaries of fields, of such materials, and in such number as may appear to such officers sufficient for permanently distinguishing the limits of those fields.

Service of requisition.

II. And it is hereby enacted, that the requisition shall be served on the persons owning or occupying each field according to Form (A) annexed to this Act, and in the event of these persons not being found in the village, that the said requisition shall be posted at the village chowree, or other conspicuous place in the village, which shall be held to be a sufficient service.

Revenue officers may erect boundary marks if requisition is not complied with, and charge owners or occupiers with expense.

III. And it is hereby enacted, that in default of the owners or occupants of the fields complying with the requisition, the said revenue officers shall give directions for the erection and repair of such field boundary marks, the cost of which shall be equitably apportioned on the fields which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, or if there are no such persons forthcoming, to the revenues of the village in which the fields are situated.

Persons out of possession not to be re-admitted till charges for boundary marks are paid.

IV. And it is hereby enacted, that no person being out of possession and claiming a right of ownership or occupancy in fields, the cost of erecting or maintaining whose boundary marks has been charged to the revenues of the village, in consequence of his neglecting to defray the same, shall have his claim allowed until he makes good all sums so charged.

Punishment for removing or injuring boundary marks.

V. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing, or injuring field boundary marks, shall be liable to a fine not exceeding Rs. 50 for each mark so erased, removed, or injured, one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark.

VI. And it is hereby enacted, that authority for the assessment and realization of all sums due under the provisions of this Act, whether as costs or penalties, shall be vested in the revenue officers authorized to provide for the erection and maintenance of field boundary marks, and shall be exercised by them in conformity with the rules prescribed for the assessment and realization of revenue demands in general, and that the proceedings of those officers in all such matters shall be recorded in writing, and shall be subject to appeal to the revenue authorities, to whom they are subordinate.

Assessment and realization of costs and penalties.

FORM A.

Whereas you are the owner (occupant, as the case may be) of the field in the village of you are hereby required to fix boundary marks to the said field (by ridging or raising mounds of earth at the angles, or in such other mode as may be determined) or to repair its present boundary, within days from this date, in default of which the same will be done by the Government officers, and the cost recovered from you under Act III. of 1846.

Form of requisition.

A.D. 1846. ACT V.

AN ACT *for placing the Police of Surat under the Magistrate:* PASSED *by the Honourable the President of the Council of India in Council, on the 5th of December,* 1846, *with the Assent of the Right Honourable the Governor-General of India.*

WHEREAS it has been judged expedient that the police jurisdiction of the city and Sudder station of Surat should be vested in the magistrate of the said zillah:

Preamble.

It is hereby enacted, that so much of Clause First, Section I. Regulation IV. of 1830 of the Bombay code as reserves to the control of the judge and his assistants the police jurisdiction of the city and Sudder station of Surat, be repealed.

Rescission.

A.D. 1846. ACT XI.

AN ACT *for the exemption of certain Territory in the Province of Khandesh and the Zillah Ahmednuggur from the Operation of the General Regulations:* PASSED *by the Honourable the President of the Council of India in Council, on the 12th December,* 1846, *with the Assent of the Right Honourable the Governor-General of India.*

WHEREAS it has been deemed expedient to exempt from the jurisdiction of the civil and criminal courts of the Bombay presidency, certain

Preamble.

portions of the pergunnahs of Nundoorbar, Sooltanpoor, and Kookurmoondah, in the province of Khandesh and the zillah Ahmednuggur:

Exemption of certain districts from the operation of the laws.

I. It is hereby enacted, that from and after the 1st day of February, 1847, so much of Appendix (A.) of Regulation XXIX. of 1827 of the Bombay code as declares the villages contained in the schedule annexed to this Act, and the lands attached thereto (being parts of the pergunnahs of Nundoorbar, Sooltanpoor, and Kookurmoondah, in the province of Khandesh and the zillah Ahmednuggur), subject to the Regulations established for the administration of civil and criminal justice in the Bombay presidency, be repealed.

To be administered by an agent of Government.

II. And it is hereby enacted, that from and after the said day the administration of civil and criminal justice, the superintendence of the police, and the collection and superintendence of the revenues of every description within the said portions of territory shall vest in such agent to the Governor of Bombay as shall be appointed by the Governor of Bombay in Council, and shall be exercised by the said agent with the aid of such assistants as may be appointed by the said Governor in Council.

Rules for guidance of agent, and extent of his authority.

III. And it is hereby enacted, that it shall be competent to the said Governor in Council, by an order in Council, to prescribe such rules as he may deem proper for the guidance of the agent aforesaid and of all the officers subordinate to his control and authority, and to determine to what extent the decision of the agent in civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the agent in criminal trials and what cases he shall submit to the decision of the Sudder Foujdary Adawlut.

Foujdary Adawlut to proceed in trials referred by agent, according to ordinary rules.

IV. And it is hereby enacted, that upon the receipt of any criminal trials referred by the agent under the rules which may be hereafter prescribed by the Governor in Council, the Sudder Foujdary Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a session judge.

Sudder Adawlut to try appeals from agent according to ordinary rules.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the agent duly prepared under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts.

SCHEDULE.

List of Villages belonging to the Seven Mowaas Chieftains in the Province of Khandesh comprehended in the Pergunnahs of Nundoorbar, Sooltanpoor, and Kookurmoondah.

Inhabited.	Uninhabited.
1. Gunput Sing Wulud Chundrusing, Rana of Boodhawul.	
Dekatee.	Nuwagaom.
Hulalpoor.	Somawul Khoord.
Boodhawulee.	Bho Bhat.
Khooshguvhan.	Prutappoor.
Ashté.	Nuwulpoor.
Khar.	Rajveera.
Mendwur.	Kullumbee Vecheer.
Jamleegoora.	Ghoghat.
Walheree.	Ramgur.
Boodhawul.	Pethapoor.
Lobabhanee.	
Somawul Boojrook.	
Muthawul.	
Sherveé.	
Ekdhur.	
Relapara.	
2. Oomed Wulud Luxoomun Parvee of Katee.	
Katee.	Khutkoowa
Bhugduree.	Bamhungaon.
Wunwa.	Gullotté Khoord.
Jamna.	Akul Koowa.
Beer.	Horapara.
Samur.	Ankooshee Veeheer.
Kujal.	Guvhaneé.
Velkhooree.	Peotee.
Mogreebar.	Mojra.
Gorapeebar.	Dhankbaree.
Nulwunbara.	Kotlee.
Jagtee.	Muhan.
Arootee.	Dhobreepeeta.
Kewuree.	Tullow.
Chapree.	Cheekhlee.
Pandhreematee.	Ghora Devee.
Pimpurkhoota.	Koowa.
Soorgus.	Kolwee.
Beejulguvhan.	Kolweechmal.
Balaghat.	Nendwun.
Vehugee.	Patpara.
Chunwaee.	Kulmunda.
Balkra.	Wurphullee.
Gojeebara.	Bhutaree.
Oghanee.	Poke Khara.
Dunaee.	
Soorpunvavee.	
Suree.	
Kunkal.	
Koeelee veheer.	
Sonnchee pardee.	
Kakurpara.	
Ghutwanee.	
Rajmohee.	
Khutas Kharee.	
Khaee.	
Heeranee.	
Dab.	
Duhel.	
Mooreera.	
Waree.	
Kudwalee.	
Gudwanee.	
Bokharee.	
Polguvhan.	
Oomtee.	
Veree.	
Pimpurpan.	
Maeechamal.	
Mogree.	
Bumhunee.	
Somkharee.	
Ras.	
Ghuttula.	
Mogra.	
Moolgee.	
Bhurkoond.	
Velee.	
Oomreeguvhan.	
Jamlee.	
Bhagrapan.	
Oomla.	
Raool K.	
Sendree.	
Kookreepadur.	
Kujanee.	
Honakhamb.	
Gulloté Boojrook.	
Nuwagaon.	
Gungapoor.	
Kewara Mohee.	
3. Oomed Wulud Pacha Parvee of Nal.	
Goolyamba.	Nal.
	Veerpoor.
	Nuwagaon.
	Sane Veheer.
	Jeeree Sawur.
	Tunuk Molee.
4. Bickna Wulud Raila Parvee of Singpoor.	
Singpoor Boojrook.	Babhulpoor.
Singpoor Khoord.	

Inhabited.	Uninhabited.

5.

Khatia Wulud Nana Wulwee Bheel of Guvhallee.

Inhabited.	Uninhabited.
Guvhallee.	Pandhreepara.
Bar.	Doduv.
Pechreedo.	Lalpoor.
Kakriamba.	Koakher.
Hatwaryawur.	Kurkhoond.
Morkee.	Bukhtar.
Nagur Motee.	Pala.
Rajkoora.	Bhooyuvao.
Raisingpoora.	Kakurkhore.
Oodun.	Rajnee.
Bhereevoa.	Khoord Muhookharee
	Koowurvao.
	Talamba.
	Wurkoond.
	Koomree.
	Khurgia Moramba.
	Boreeguvhan.
	Bhometee.
	Kalamba.
	Phoolwaree.
	Kelwun.
	Bhoee Kuruj.
	Dorkee.
	Jamwa.
	Gotpara.
	Joojuv.
	Ookulsar.
	Rajneebara.
	Ambabar.
	Borkee Dokhee.
	Matha Koond.
	Gugriamba.
	Lalbhurdee.
	Joonatana.
	Moramba.
	Kadlee.
	Gondwun.
	Ghora.
	Mandara Khoord.
	Mandara Boojrook.
	Bhogwur.
	Goojee.
	Muhookharee Boojrook.
	Wajpoor.
	Tulamba.
	Jamna.
	Shindguvhan.
	Kaniamba.
	Mugrapana.
	Kulewurkhoord.
	Rampoora.
	Koonda.
	Joonwun.
	Boogniamba.
	Sheengwun.
	Kaniamba.
	Koudwapara.
	Kanapara.
	Kotara.
	Pardee.
	Keorecbar.
	Bhooera.
	Guvhan.
	Koradevee.
	Jamkhoot.
	Amleeguvhan.
	Mathamba.
	Matha Mogur.
	Mata Tana.
	Oodapoor.

6.

Koowur Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee.

Inhabited.	Uninhabited.
Cheekhlee.	Jhapa Amlee.
Jheereebera.	Khanora.
Pateepara.	Kokteepara.
Chatoopara.	Khuyerpara.
Ranepoora.	Chanpoor.
Khapur.	Oomranee.
Gungthé.	Wurgaon.
Lugree.	Chotee Ruralee.
Jaolee.	Bramhungaom.
Kolee wara.	Kuvleeguvhan.
Pulas wara.	Bholwur.
Ooman.	Dhabra.
	Mendee.
	Kenwura.
	Khekwur.
	Dabreeamba.
	Augut.
	Rethee.
	Chapteepara.
	Rajneewar.
	Oomanee.
	Nuwagon.
	Nucen Sevree.
	Nevree.
	Oomjia.

7.

Rajah Wulud Veslia Parvee.

Inhabited.	Uninhabited.
	Sojdan.
	Nuwulpoora.

ABSTRACT.

	Names of Chieftains.	Inhabited.	Uninhabited.	Total Villages.
1	Gunput Sing Wulud Chundru Sing Rana of Boodhawul ...	16	10	26
2	Oomed Wulud Luxoomun Parvee of Katee	71	25	96
3	Oomed Wulud Pacha Parvee of Nal	1	6	7
4	Bickna Wulud Raila Parvee of Singpoor	2	1	3
5	Khatia Wulud Nana Wulwee Bheel of Guvhallee	11	70	81
6	Koowar Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee	12	25	37
7	Rajah Wulud Veslia Parvee	0	2	2
	Total	113	139	252

A.D. 1847. ACT II.

AN ACT *to declare the Meaning and Extent of certain Words in Act V. of* 1840: PASSED *by the Honourable the President of the Council of India in Council, on the* 13*th of February*, 1847, *with the Assent of the Right Honourable the Governor-General of India.*

WHEREAS by Section IV. of Act V. of 1840, it was, amongst other things, provided that the said Act should not extend to any declaration or affirmation made in any of Her Majesty's courts of justice, and doubts have arisen whether the words "Her Majesty's courts of justice" mean and extend to the courts of the justices of the peace: Preamble.

It is hereby declared and enacted, that the words "Her Majesty's courts of justice" in the said Act shall be deemed not to have meant nor extended to, and not to mean nor extend to the courts of the justices of the peace. Act V. 1840, extends to courts of justices of the peace.

A.D. 1847. ACT V.

AN ACT *to facilitate the Execution of the Sentences of Courts established by the Authority of the Governor-General in Council for the Administration of Criminal Justice in States or Territories administered by Officers acting under the Authority of the East-India Company:* PASSED *by the Honourable the President of the Council of India in Council, on the* 10*th of April*, 1847, *with the Assent of the Right Honourable the Governor-General of India.*

I. IT is hereby enacted, that within the territories subject to the government of the East-India Company, and without the local limits of the jurisdiction of Her Majesty's courts of judicature, the several officers in charge of jails shall be competent to give effect to any sentence that may be passed by any court established or that may be established by the authority of the Governor-General of India in Council for the administration of criminal justice in states or territories administered by officers acting under the authority of the East-India Company, although such states or territories are not subject to the government of any one of the presidencies of Fort William in Bengal, Fort St. George or Bombay, or are not subject to the operation of the general Regulations. Officers in charge of jails within the Company's territories may give effect to sentences of courts established by Company's Government in territories not directly subject to their authority.

II. And it is hereby enacted, that a warrant under the official seal and signature of the officer or officers exercising criminal jurisdiction within such states or territories as aforesaid, shall be sufficient authority for What warrant shall authorise such proceedings.

holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond sea, or for inflicting any other punishment prescribed therein.

In cases of doubt as to competency of officer issuing warrant, reference to be made to the local Government.

III. And it is hereby enacted, that if any officer in charge of a jail shall entertain any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons whose official seal and signature may be affixed thereto to pass the sentence and issue such warrant, such officer shall refer the matter to the Government to which he is subject, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner, and that pending any such reference, the prisoner shall be detained in custody in such manner and with such restrictions or mitigations as may be specified in the warrant.

Acts and Regulations respecting prisons to apply to such cases.

IV. And it is hereby enacted, that the provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of prisoners confined in the said jails, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act as in the case of other prisoners confined therein.

A.D. 1847. ACT X.

AN ACT *for amending Act XXX. of* 1836: PASSED *by the Honourable the President of the Council of India in Council, on the* 19*th of June,* 1847, *with the Assent of the Right Honourable the Governor-General of India.*

Courts to sentence Thugs to transportation in addition to imprisonment for life.

It is hereby enacted, that within the territories subject to the government of the East-India Company, whenever any court not included under the provisions of Act XIV. of 1844, shall sentence any offender to imprisonment for life under the provisions of Act XXX. of 1836,* it shall at the same time sentence such offender to transportation beyond sea for life, unless there should be special reasons inducing the court to think such prisoner not a proper subject for transportation, which special reasons the court is hereby directed to record.

* This Act relates to Thuggee and was extended to Dacoity by Act XXIV. 1843.

A.D. 1847. ACT XIII.

AN ACT *for repealing Act XIV. of* 1839, *so far as it relates to the Emigration of Natives of India to the Island of Ceylon:* PASSED *by the Honourable the President of the Council of India in Council, on the* 21*st of August,* 1847, *with the Assent of the Right Honourable the Governor-General of India.*

Preamble.

I. WHEREAS by Act XIV. of 1839 it was enacted, that every person who should make with any native of India any contract for labour to be performed in any British or foreign colony without the territories of the East-India Company, or who should knowingly abet or aid any native of India in emigrating from the said territories for the purpose of being employed as a labourer, should be liable, on conviction before a magistrate or justice of the peace, to a fine not exceeding 200 rupees for every native so contracted with, aided, or abetted, and in default of payment of such fine, should be liable to be imprisoned for a term not exceeding three months:

Provided always, that nothing in that Act contained should be taken to apply to any native seaman who should, of his own free will, contract to navigate any vessel, or who should embark on board such vessel in pursuance of such contract, or to any person who should contract to serve as a menial servant only, or who should embark as such menial servant:

And whereas the island of Ceylon, geographically, historically, and socially considered, is analogous to the countries subject to the Government of the East-India Company:

Repeals Act XIV. 1839, as it regards Ceylon.

It is hereby enacted, that Act XIV. of 1839, in so far as it makes liable to penalties every person who shall make with any native of India any contract for labour to be performed in the said island, or who shall knowingly aid or abet any native of India in emigrating from the territories subject to the Government of the East-India Company to the said island, is repealed.

This Act to come into operation when certain provisions shall have been enacted in Ceylon.

II. But whereas the said island is not subject to the legislative power of the Governor-General of India in Council, so that the said Governor-General in Council is unable to make laws for the protection of such natives of India as may emigrate to the said island against the evils which might attend the emigration of such natives of India from the said island to any British or foreign colony:

It is therefore hereby enacted, that this Act shall not come into operation until the Governor-General of India in Council shall be duly certified that the Legislature of the said island has made such laws as the said Governor-General in Council shall think sufficient for the protection of such natives of India so emigrating to the said island against the evils aforesaid, and shall notify in the Gazette that he has been so certified.

A.D. 1847. ACT XIX.

AN ACT *to make certain Amendments in the Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East-India Company: The following Act is brought up before the Legislative Council this day, the 18th December, 1847, the Governor-General of India in Council being desirous that no time should be lost in passing the Act.*

Preamble.

WHEREAS it is expedient to make certain amendments in the Articles of War provided by Act XX. of 1845, for the government of the native officers and soldiers in the military service of the East-India Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers:

Repeal of the Articles of War in Act XX. 1845.

I. It is therefore hereby enacted, that from and after the 1st day of March, 1848, the Articles of War provided by Act XX. of 1845 are repealed.

Enactment of the following Articles of War.

Reservations.

II. And it is enacted, that the following Articles of War shall, from and after the said day, be the Articles of War for the government of the said native officers and soldiers in the military service of the said Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers. Provided always, that all crimes and offences committed against the Articles of War provided by Act XX. of 1845 aforesaid, may be inquired of and punished in like manner as if they had been committed against the Articles of War hereby provided; and that every warrant for holding any court-martial under the Articles of War provided by the Act XX. of 1845 aforesaid, shall remain in full force, notwithstanding the repeal of such articles; and that all proceedings of any court-martial upon any trial begun under such articles, shall not be discontinued by the repeal of the same.

ARTICLES OF WAR.

SECTION I.

Of Inlisting and Discharges.

ARTICLE 1.

Inlisting.

EVERY recruit, prior to being enrolled in his regiment, shall have the first four articles of the second section of these Articles of War read and explained to him, and when reported fit for duty in the ranks, such declaration as is now used, if any, in the respective presidencies, shall be made

to him by the officer commanding, in front of the regiment or corps, in presence of the native officers and soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective presidencies.

SECTION I. Of Inlisting and Discharges.

* ARTICLE 2.

No commissioned officer shall be dismissed except by the sentence of a general court-martial. No non-commissioned officer or soldier shall be discharged as a punishment except by the sentence of a court-martial, or by order of the Commander-in-Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided also, that the Governor-General in Council, in his executive capacity, and the Governor in Council of any presidency to which a commissioned or non-commissioned officer or soldier may belong, shall have power to order his dismissal or discharge.

Dismissal and Discharge.

ARTICLE 3.

All non-commissioned officers and soldiers discharged the service shall be furnished by the commanding officer of the regiment with a discharged certificate, made out in the vernacular language of the individual discharged, with an English translation, expressing the authority for, and cause of, such discharge, and the period of his entire service in the army.

Discharge.

* ARTICLE 4.

No non-commissioned officer or soldier shall enlist himself in any other regiment without a regular discharge from his former regiment, under the penalty of being reputed a deserter, and suffering accordingly.

Re-inlisting.

SECTION II.

Crimes and Punishment.

Crimes punishable with Death, Transportation, Corporal Punishment, Imprisonment, or Dismissal.

ARTICLE 5.

Any officer, or soldier, who shall begin, excite, cause, or join in any mutiny or sedition in the regiment or corps to which he belongs, or in any other corps or regiment whatsoever, on any pretence whatever; or who, being present at any mutiny or sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any mutiny, intended mutiny, or concealed combination against the State, shall not without delay give information thereof to his commanding officer;— or

Crimes.

ARTICLE 6.

Who shall strike his superior officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence, against him; whether on

SECTION II. Crimes and Punishment.

Crimes.

or off duty, and under all circumstances in which his superior officer may be distinguishable as such in any manner; — or

ARTICLE 7.

Who shall disobey any lawful command of his superior officer; — or

ARTICLE 8.

Who shall desert from the East-India Company's service, (whether or not he shall re-enter or re-enlist in the same); — or

ARTICLE 9.

Who, *being a sentry, in time of war or alarm, shall sleep upon his post*, or shall leave it before regularly relieved, or without leave; or shall plunder or injure the property placed under his charge; — or

ARTICLE 10.

Who shall shamefully abandon or deliver up any garrison, fortress, post, or guard, committed to his charge, or which it was his duty to defend; or who shall use means to induce any other officer or soldier so to abandon or deliver up any such garrison, fortress, post, or guard; — or

ARTICLE 11.

Who shall treacherously make known the watchword to any person not entitled to receive it according to the rules and discipline of war; — or

ARTICLE 12.

Who shall hold correspondence with, or give intelligence to the enemy, or any person in arms against the State, either directly or indirectly; or who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the commanding officer; — or

ARTICLE 13.

Who shall directly or indirectly assist or relieve the enemy, or persons in arms against the State, with money, victuals, or ammunition; or shall knowingly harbour or protect any enemy or person in arms against the State; — or

ARTICLE 14.

Who shall treacherously release, wilfully aid, or connive at the escape of any enemy or person in arms against the State, placed as a prisoner under his charge; — or

ARTICLE 15.

Who shall misbehave himself before the enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave; — or

ARTICLE 16.

Who shall, in the presence of an enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition; — or

SECTION II. Crimes and Punishment.

Crimes.

ARTICLE 17.

Who shall leave his commanding officer, or his post, or colours, or party, in time of action, to go in search of plunder; — or

ARTICLE 18.

Who, in time of war, shall do violence to any person bringing provisions or other necessaries to the camp or quarters of the forces; or shall force a safeguard; or break into any house, or other place, for plunder; or plunder fields, or gardens, or other property; — or

ARTICLE 19.

Who, in time of war, shall, by discharging fire-arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in action, camp, garrison, or quarters; — or

ARTICLE 20.

Who shall, without proper authority, release any state prisoner, or through carelessness or neglect shall suffer any such prisoner to escape; or shall connive at the plunder or injury of property in time of war, or the plunder or injury of treasure, or of a magazine, or dock-yard, by the sentry or guard in whose charge such property, or treasure, or magazine, or dock-yard is placed; — or

ARTICLE 21.

Who, being a sentry placed over any state prisoner, or over treasure, or over a magazine, or dock-yard, shall quit his post without being regularly relieved, or without leave; or shall sleep upon his post; or shall plunder or injure the property placed under his charge;

Punishment.

Shall, if an officer, on conviction, suffer death, or transportation for life, or be dismissed the service;

And if a soldier, shall, on conviction, suffer death or transportation for life; or imprisonment with or without hard labour, for life or for any term of years; and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement; or shall suffer corporal punishment; or dismissal from the service; as by a general court-martial shall be awarded. Provided that no soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more courts-martial, or by order of his commanding officer.

Crimes punishable by General Court-Martial with Dismissal or Suspension of Officers, or by General or District Court-Martial with Dismissal, Reduction, Corporal Punishment, or simple Imprisonment with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

Crimes.

ARTICLE 22.

Any officer or soldier who shall, in operations in the field, spread reports

SECTION 11. Crimes and Punishment.

by words or letters calculated to create unnecessary alarm in the troops, or in the vicinity, or in the rear of the army; — or

Crimes.

ARTICLE 23.

Who shall, in action, or previously to going into action, use words tending to create alarm or despondency; — or

ARTICLE 24.

Who shall be drunk when on, or for duty, or on parade, or on the line of march; — or

ARTICLE 25.

Who shall strike or force any sentry; — or

ARTICLE 26.

Any soldier who shall be grossly insubordinate or insolent to his superior officer in the execution of his office; or grossly insubordinate and violent in the presence of a court-martial; — or

ARTICLE 27.

Who, being on actual service, shall refuse to assist in making field-works;

Punishment.

Shall, if an officer, on conviction, be sentenced to be dismissed the service, or to be suspended from rank and pay and allowances;

And if a soldier, shall, on conviction before a general, or district, or garrison court-martial, be sentenced to suffer such punishment as a general, or district, or garrison court-martial is by these Articles of War respectively empowered to award.

Provided, that such offender shall not be sentenced to death, or transportation, or imprisonment with hard labour.

Crimes punishable by General Court-Martial with Dismissal or Suspension of Officers, or by General, or District Court-Martial, with Dismissal, Reduction, Imprisonment with or without Hard Labour, and with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 28.

Crimes.

Any officer who shall behave in a manner unbecoming the character of an officer (the fact or facts whereon the charge is grounded being clearly specified therein); — or

ARTICLE 29.

Any officer or soldier who shall advise or persuade any other officer or soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any deserter, and shall not immediately on discovery give notice to his superior officer; or shall not cause such deserter to be apprehended by the civil power; — or

ARTICLE 30.

Who shall obtain or attempt to obtain for himself, or for any officer or

soldier; or for any other person whatsoever, any pension or allowance, by any false statement, certificate, or document, or by the omission of the true statement, or certificate, or document; — or

Crimes.

ARTICLE 31.

Who shall knowingly make a false return or report, to any his superior officer authorized to call for a return or report, of the state of the men under his command, or of arms, ammunition, clothing, or other stores thereunto belonging, or of which he may have charge; — or

ARTICLE 32.

Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description, as fees or duties, or on any pretence whatever; or shall, without authority, exact from villagers or others, carriage, porterage, or provisions; — or

ARTICLE 33.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons;

Punishment.

Shall, if an officer, on conviction, be sentenced to be dismissed the service, or to be suspended from rank and pay and allowances;

And if a soldier, shall, on conviction before a general, district, or garrison court-martial, be sentenced to suffer such punishment as a general, or district, or garrison court-martial is by these Articles of War respectively empowered to award.

Provided, that such offender shall not be sentenced to death, or transportation, or corporal punishment.

Crimes punishable by General Court-Martial with Dismissal or Suspension of Officers, or by any Court-Martial with Dismissal, Reduction, Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

ARTICLE 34.

Crimes.

Any officer or soldier, who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority; — or

ARTICLE 35.

Who shall malinger, feign, or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity; — or

ARTICLE 36.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property; — or

ARTICLE 37.

Any soldier who shall, contrary to orders, when off duty, appear in or

SECTION II. Crimes and Punishment.

about camp or cantonments, or on occasion of visiting towns or bazars, carrying a sword, bludgeon, or other weapon; — or

Crimes.

ARTICLE 38.

Who shall sell, pawn, or designedly or through neglect lose or injure his horse, arms, clothes, accoutrements, or regimental necessaries; or any of the above articles entrusted or belonging to any other soldier;

Punishment.

Shall, on conviction before a general, district, or garrison, or regimental court-martial, be sentenced to suffer such punishment as such courts-martial respectively are by these Articles of War empowered to award.

Provided that such offender shall not be sentenced to death, or transportation, or corporal punishment.

Embezzlement; punishable by General Court-Martial with Dismissal, Fine, and Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, of Officers and Soldiers.

ARTICLE 39.

Crimes.

Any officer, or soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any military purpose; or any provisions, forage, arms, clothing, ammunition, or military stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication;

Punishment.

Shall, on conviction before a general court-martial, be dismissed the service, and fined to the extent of his arrears of pay and allowances; and be further liable to suffer imprisonment, with or without hard labour, for a term which may extend to three years, and with or without solitary confinement (to be regulated as aforesaid).

Disgraceful Conduct; punishable by General or District Court-Martial, with Corporal Punishment, or Imprisonment with or without Hard Labour and Solitary Confinement, and in addition with Forfeiture of additional Pay and of Pension, or Discharge, and Stoppages, of Non-Commissioned Officers and Soldiers.

ARTICLE 40.

Crimes.

Any soldier who shall be guilty of *disgraceful conduct;*

In wilfully maiming or injuring himself, or any other soldier at the instance of such soldier, with intent to render himself or such soldier unfit for the service, or with intent to take his own life; — or

ARTICLE 41.

In purloining or selling Government stores; — or

ARTICLE 42.

In stealing money or goods, the property of a soldier, or of a military

officer, or of any military mess, or of any person or persons belonging to or serving with, or attached to the army; — or

SECTION II. Crimes and Punishment.

Crimes.

ARTICLE 43.

In plundering or injuring property placed under his charge as sentry, or in charge of his guard, or in conniving at the plunder or injury of such property; — or

ARTICLE 44.

In embezzling or fraudulently misapplying public money entrusted to him for any military purpose; — or

ARTICLE 45.

In committing any petty offence of a fraudulent or dishonest nature, to the injury of, or with intent to injure the Government, or any person, civil or military; — or

ARTICLE 46.

Who shall be guilty of any other disgraceful conduct, being of a cruel, indecent, or unnatural kind;

Punishment.

Shall, on conviction before a general, or district, or garrison court-martial, be liable to suffer such punishments as any such courts are by these Articles of War respectively empowered to award for disgraceful conduct.

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the court, not exceeding half of his monthly pay and allowances, until the amount be made good of any loss or damage arising out of his misconduct.

And if such offender shall be dismissed the service, he shall further be sentenced to forfeit his arrears of pay and allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes punishable by General Court-Martial with Suspension or Reprimand of Officers, or by any Court-Martial with Dismissal, Reduction, or Simple Imprisonment, with or without Solitary Confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 47.

Crimes.

Any officer, or non-commissioned officer, who shall strike or otherwise ill-treat any soldier; — or

ARTICLE 48.

Any sentry who, in time of peace, shall sleep upon his post, or shall leave it before regularly relieved or without leave; — or

ARTICLE 49.

Any officer, or soldier, who shall knowingly enlist a deserter, or connive at his enlistment; — or

ARTICLE 50.

Who, directly or indirectly, shall require or accept a bribe, present, or gratification, on the pretence of, or as a consideration for procuring leave

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Crimes.

of absence, promotion, or any other advantage or indulgence for any officer or soldier; — or

ARTICLE 51.

Who, being in command at any post, or on the march, on complaint made to him of any person under his command beating or otherwise ill-treating any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his superior officer; — or

ARTICLE 52.

Who, being in command of a guard, shall refuse to receive any prisoner duly committed to his charge; or shall, without proper authority, release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape; — or

ARTICLE 53.

Who shall quit his guard, or piquet, in time of peace, without being regularly relieved, or without leave; — or

ARTICLE 54.

Who shall impede the provost marshal, or his assistants, or any other officer or person legally exercising authority;—or refuse to assist him when requiring his aid in the execution of his duty; — or

ARTICLE 55.

Who, being on leave of absence, shall have received information from the head-quarters of his regiment, or from other competent authority, that his regiment has been ordered on service, and shall not rejoin without delay; — or

ARTICLE 56.

Who, in time of peace, shall, by discharging fire-arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in camp, garrison, or cantonments; — or

ARTICLE 57.

Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty, if not prevented by sickness or some other sufficient cause; — or

ARTICLE 58.

Who shall, without urgent necessity, or without leave of his superior officer, quit his company, or troop, or the parade; — or

ARTICLE 59.

Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him; — or

SECTION II. Crimes and Punishment.

Crimes.

ARTICLE 60.

Any soldier who shall be found two miles from the camp, contrary to orders; — or

ARTICLE 61.

Who shall, contrary to orders, be absent from his cantonment after tatoo, or from camp after retreat beating; — or

ARTICLE 62.

Who shall sell, lose, designedly or through neglect, waste the ammunition delivered out to him;

Punishment.

Shall, if an officer, on conviction, be sentenced to suspension from rank and pay and allowances; or to be reprimanded in such manner as the Commander-in-Chief may direct;

And if a soldier, shall, on conviction before a general, or district, or garrison, or regimental court-martial, be sentenced to suffer such punishment as any such courts-martial are by these Articles of War respectively empowered to award;

Provided that such offender shall not be liable to be sentenced to suffer corporal punishment, or imprisonment with hard labour.

ARTICLE 63.

Crimes not specified.

All crimes not capital, and all disorders or neglects which officers or soldiers may be guilty of, to the prejudice of good order and military discipline, though not specified in these Articles, are to be taken cognizance of by courts-martial, and to be punished according to the nature and degree of the offence, by the sentence of a general, or district, or garrison, or regimental court-martial; provided that a soldier shall not, for any such offences, be liable to be sentenced to suffer corporal punishment, or imprisonment with hard labour.

Crimes incident to Courts-Martial; punishable by General Court-Martial with Dismissal or Suspension of Officers, and by any Court-Martial with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal or simple Imprisonment of Soldiers.

ARTICLE 64.

Crime.

Any person amenable to these Articles of War, who, when duly summoned before a court-martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Punishment.

Shall be punished according to the sentence of the same or another court-martial, with dismissal, or suspension from rank and pay and allowances, if a commissioned officer; with dismissal, or reduction to the ranks, if a non-commissioned officer; or with dismissal, or imprisonment, if a soldier;

Provided that such person, being a commissioned officer, shall not be liable to be punished by any but a general court-martial; and that no offender punished under the provision of this Article of War shall be

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sentenced to suffer imprisonment with hard labour, or corporal punishment.

ARTICLE 65.

Persons not amenable to Articles of War to be delivered over to magistrate.

Any person not amenable to these Articles of War, who, having been summoned before any court-martial, shall refuse or neglect to attend; or who, attending, shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or shall give such testimony as, if given in a criminal court, would render him guilty of perjury; or who shall induce any other person so to offend;

Shall be delivered to a magistrate to be proceeded against according to law.

ARTICLE 66.

Contempt of court.

Any person using menacing or disrespectful words, signs, or gestures, in the presence of a court-martial then sitting, or causing any disorder or riot so as to disturb their proceedings;

Punishment.

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another court-martial, if he be amenable to these Articles of War; provided that such offender shall not be liable to be sentenced to corporal punishment or to imprisonment with hard labour; and if not amenable to these Articles of War, the offender shall be delivered over to a magistrate to be proceeded against according to law.

Perjury; punishable by General or District Court-Martial with Dismissal, and in addition with Fine, or simple Imprisonment; of Officers and Soldiers.

ARTICLE 67.

Perjury.

Any officer, or soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any general, or other court-martial, or any military court entitled to administer on oath; or of inducing any other person so to offend;

Punishment.

Shall be dismissed the service, and shall be further subject to fine to the amount of his arrears of pay and allowances, or to imprisonment which may extend to three years;—according to the sentence of a general, or district, or garrison court-martial.

Crimes admitting of less serious Notice.

ARTICLE 68.

Minor Crimes.

Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a general, or district, or garrison court-martial, should, in certain cases which admit of less serious notice, be tried by district, or garrison, or regimental courts-martial—in such cases the officer commanding the regiment or corps to which the offender belongs may, if he thinks it expedient and for the good of the service, order the offender to be tried by regimental court-martial, for any offence ordinarily cognizable by district, or garrison court-martial; making, how-

ever, a report in every such case, for the information of the general officer commanding the division, of the reasons of his having so proceeded; or such commanding officer may lay a particular statement of the case before the general or other officer having authority to convene general, or district, or garrison courts-martial, under whose command such offender may be serving, with an application for permission to try the offender by district or garrison, or regimental court-martial; and such general or other officer will exercise his discretion in complying or not with such application; but the permission of such general or other officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Minor crimes.

Provided that mutiny shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated "disgraceful conduct" in these Articles of War, and admitting of less serious notice, shall be tried by regimental courts-martial, the term "disgraceful conduct" shall be omitted in the charge; and the offender shall, on conviction, be liable to suffer such punishment as a regimental court-martial is by these Articles of War empowered to award.

Offences on the Line of March, or on board Vessels.

ARTICLE 69.

Offences on the line of march, or on board vessels.

For offences committed on the line of march, or on board any ship or other vessel, the officer in command of the troops is hereby authorized to try any soldier by a regimental, or detachment court-martial, and to confirm and execute the sentence on the spot;

Provided that such sentence shall in no case exceed that which a regimental court-martial is competent to award;—and that the proceedings held in all such cases shall be transmitted for the information of the Commander-in-Chief.

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Administration of Justice.

ARTICLE 70.

Arrest or confinement.

Whenever any officer or soldier shall commit a crime deserving punishment by court-martial, he shall, by his commanding officer, be put under arrest, if an officer or non-commissioned officer; or if a soldier, be confined; until he shall be either tried by a court-martial, or shall be lawfully discharged by a proper authority; and no officer or soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

Resistance to arrest.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable; but where resistance may be made, or from other circumstances, such process

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may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

ARTICLE 71.

Limitation of time.

No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed more than three years previous to the order directing the assembly of the court-martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding two years after the impediment shall have ceased.

ARTICLE 72.

Offenders may be tried elsewhere than where the offence was committed.

Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 73.

Powers of the Commander-in-Chief in respect of courts-martial.

The Commander-in-Chief at the presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint general or other courts-martial, and confirm, and mitigate, or commute, or remit the sentences of such courts; and may issue his warrant to any general or other officer having the command of a body of troops in the service of her Majesty, or of the East-India Company, empowering such officer to appoint general, or district, or garrison courts-martial as occasion may require, for the trial of offences committed by any of the officers, or soldiers, or followers in the service of the said Company, being natives of the East-Indies, or of other places within the limits of the said Company's Charter, and to confirm, and mitigate or commute, or remit the sentences of such courts-martial.

See Act VI. 1850.

ARTICLE 74.

Constitution of a general court-martial.

A general court-martial shall not consist of less than thirteen commissioned officers, unless it be held out of the East-India Company's territories, where such court-martial may consist of seven commissioned officers, if a greater number cannot be conveniently assembled. And no sentence of a general court-martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander-in-Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court-Martial.

*ARTICLE 75.

Death or transportation.

A general court-martial may sentence any officer or soldier to death or transportation, for any crimes which are by these Articles of War expressly

made liable to sentence of death or transportation, and for such crimes only.

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Dismissal or suspension.

And when a commissioned officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a general court-martial may adjudge such officer to be dismissed the service;—or to be suspended from rank and pay and allowances, for a stated period;—or to be placed lower on the list of his rank, by an alteration of the date of his commission, thereby losing the corresponding benefit of length of service; and the court shall in every such sentence specify the extent or degree of suspension or reduction, which they shall so adjudge;—or the court may sentence such officer to be reprimanded in such manner as the Commander-in-Chief may direct.

Reduction to ranks or dismissal.

And a general court-martial may sentence any non-commissioned officer to be reduced to the ranks;—or may sentence any non-commissioned officer or soldier to be dismissed the service;—or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing), or may sentence any soldier to suffer corporal punishment, not exceeding fifty lashes;—or imprisonment, with or without hard labour, not exceeding two years;—and to be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement. Provided that no soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more courts-martial, or by order of his commanding officer.

Corporal punishment, imprisonment, or solitary confinement.

Forfeiture of pay and pension.

And a general court-martial may, in addition either to corporal punishment, or to imprisonment, as aforesaid, sentence a soldier to forfeiture of all advantage as to additional pay and to pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for disgraceful conduct.

Forfeiture of arrears and allowances.

And a general court-martial may, in addition to the punishment of dismissal, sentence any officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct;—And, in addition to any punishment not involving dismissal from the service, may sentence any officer or soldier to be put under stoppages, not exceeding two-thirds of his pay and allowances in the case of an officer, and not exceeding half of his pay and allowances in the case of a non-commissioned officer or soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander-in-Chief.

ARTICLE 76.

Sentence of death.

See Act VI. 1850.

In cases wherein a sentence of death shall have been awarded by a general court-martial, for any offence against discipline for which sentence of death is awardable under these Articles of War, the Commander-in-

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Chief may confirm such sentence, and cause it to be carried into effect, or may, instead of causing such sentence to be carried into effect, order the offender, if an officer, to be transported for life, or to be imprisoned for any term of years, or to be dismissed; and if a soldier, to be transported for life, or to be imprisoned, with or without hard labour, either for life, or for a certain term of years, and with or without solitary confinement (to be regulated as aforesaid), as to the Commander-in-Chief may seem meet.

Transportation of officers.

Dismissal of officers.

In cases of commissioned officers sentenced to transportation, the Commander-in-Chief may in lieu thereof order the offender to be imprisoned for any term of years, or to be dismissed. And in cases of commissioned officers sentenced to be dismissed from the service, the Commander-in-Chief may, in lieu of such punishment, direct that the offender be suspended from rank and pay and allowances for a certain period, to be distinctly specified by the Commander-in-Chief.

Transportation of soldiers.

And the Commander-in-Chief may commute a sentence of transportation passed on a soldier, to imprisonment with or without hard labour, and with or without solitary confinement (to be regulated as aforesaid); and such imprisonment may be either for the same period for which transportation shall have been awarded, or for any lesser period.

Corporal punishment.

And the Commander-in-Chief may commute a sentence of corporal punishment to dismissal from the service; or, in the case of a non-commissioned officer, may mitigate such sentence to reduction to the ranks; or, in the case of a non-commissioned officer or soldier, may commute such sentence to imprisonment without hard labour, and with or without solitary confinement (to be regulated as aforesaid), for any period not exceeding two years.

Dismissal of non-commissioned officers.

In cases of non-commissioned officers sentenced to be dismissed from the service, the Commander-in-Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds; (which shall not involve any forfeiture of service or other advantage, except that of standing).

Imprisonment with hard labour.

And in cases of offenders sentenced to imprisonment with hard labour, the Commander-in-Chief may mitigate such sentence by causing the offender to be reduced to the ranks, in the case of a non-commissioned officer; or in the case of a non-commissioned officer or soldier, by directing that he be dismissed from the service; or suffer imprisonment without hard labour, and with or without solitary confinement (to be regulated as aforesaid), for any period not exceeding that for which he shall have been sentenced to such imprisonment with hard labour.

ARTICLE 77.

Constitution of a district court-martial.

A district or garrison court-martial shall consist of not less than seven commissioned officers, except in situations where that number cannot be conveniently assembled, when such court may consist of not less than five commissioned officers. And such district or garrison court-martial may be composed of officers of the same regiment, and shall be assembled in conformity with the orders of the Commander-in-Chief.

Confirmation of their sentence.

And the sentence of a district, or garrison court-martial shall be confirmed by the Commander-in-Chief, or by some officer duly authorized to confirm the same.

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Commutation of Sentence.

Power of Commander-in-Chief to commute sentence.

And the Commander-in-Chief is empowered to remit, or mitigate, or commute the sentences of such courts-martial, in the same manner as the sentences of general courts-martial; and to delegate to or withhold from commanding officers the power of convening such courts-martial, and of confirming, remitting, mitigating, or commuting the sentences of such courts (not including forfeiture of pay or pension or other advantage), as the Commander-in-Chief may deem to be most expedient.

And in case of any sentence, including forfeiture of additional pay or of pension on discharge, or of any prospective advantage, such sentence shall not be carried into effect until confirmed by the Commander-in-Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court-Martial.

Powers of a district or garrison court-martial.

*ARTICLE 78.

A district or garrison court-martial may sentence any non-commissioned officer to be reduced to the ranks,—or may sentence any non-commissioned officer or soldier to be dismissed from the service, or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing); or may sentence any soldier to suffer corporal punishment not exceeding fifty lashes; or imprisonment with or without hard labour not exceeding one year, and to be kept in solitary confinement (to be regulated as aforesaid).

And such court-martial may, in addition either to corporal punishment or to imprisonment as aforesaid, sentence a soldier to forfeiture of all advantage as to additional pay, and to pension on discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for disgraceful conduct.

And such court-martial may, in addition to the punishment of dismissal, sentence any non-commissioned officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving dismissal from the service, may sentence any non-commissioned officer or soldier to be put under stoppage not exceeding half of his pay and allowances, until the amount of such loss or damage be made good.

See Act XXXVI. 1850.

ARTICLE 79.

Regimental courts-martial.

A regimental court-martial shall consist of not less than five commissioned officers (unless it be found impracticable to assemble that number, when three may be sufficient): and shall be assembled by order of the officer commanding the regiment. And no sentence of a regimental court-martial shall be of force until the commanding officer shall have confirmed the same. Provided that such commanding officer shall have

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power to remit all sentences whatever passed by such court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

Commutation of sentence.

And such commanding officer shall have power to confirm and carry into effect or to mitigate all sentences whatever passed by such court; and to commute a sentence of corporal punishment to imprisonment without hard labour, and with or without solitary confinement (to be regulated as aforesaid), for any period for which such court is competent to sentence an offender to suffer imprisonment and in the same manner; and to mitigate a sentence of dismissal in the case of a non-commissioned officer to reduction to the ranks;—and to commute a sentence of imprisonment with hard labour, to dismissal; or to mitigate such sentence to reduction to the ranks; or to imprisonment without hard labour.

Powers of a Regimental Court-Martial.

*ARTICLE 80.

Powers of a regimental court-martial.

A regimental court-martial may sentence any non-commissioned officer to be reduced to the ranks;—or may sentence any non-commissioned officer or soldier to be dismissed from the service, or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing),—or may sentence any soldier to suffer corporal punishment not exceeding fifty lashes; or imprisonment, with or without hard labour, for any period not exceeding six calendar months; and to be kept in solitary confinement (to be regulated as aforesaid).

Any such court-martial may, in addition to the punishment of dismissal, sentence any non-commissioned officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out his misconduct; and in addition to any punishment not involving dismissal from the service, may sentence any non-commissioned officer or soldier to be put under stoppages not exceeding half of his pay and allowances, until the amount of such loss or damage be made good. See Act XXXVI. 1850.

ARTICLE 81.

Detachment courts-martail.

An officer commanding any detachment of his own regiment, may assemble regimental detachment courts-martial;—and an officer commanding a detachment consisting of men of different corps, may assemble detachment or line courts-martial;—and all such courts shall be constituted in the same manner as regimental courts-martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to courts-martial held in regiments shall be taken to apply to courts-martial held in detachments, in all practicable cases.

Provided that no officer on detached command of less than four troops

or companies, or of detachments numerically equal to four troops or companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a court-martial held by his order, until the sentence shall have been confirmed by the officer commanding the regiment to which the offender belongs, or by the nearest superior officer holding a command of not less than a regiment;—(who is hereby authorized to confirm the same, in like manner, as an officer commanding a regiment is empowered to do);—Except in detached situations beyond sea or out of the British territories, or when on service in the field, or in cases where an immediate example is necessary, and reference cannot be made to such commanding or superior officer without detriment to the service; when the officer commanding such detachment may exercise the powers which are vested in an officer commanding a regiment.

ARTICLE 82.

Powers of officer convening courts-martial.

At all courts-martial, it shall be competent to the officer convening the court, to instruct the court, that, should the prisoner be found guilty, and imprisonment form a part of the sentence, no portion of the imprisonment should be solitary; or should corporal punishment be awardable to the offender, that it shall not be awarded in the particular case; and the court will govern itself accordingly; and such instruction shall be in writing, and shall be attached to the proceedings of the court.

Execution of Sentences of Courts-Martial.

ARTICLE 83.

Execution of sentence of death.

In every sentence of death awarded by a general court-martial, the court shall specify that the offender shall "suffer death by being hanged by the neck until he be dead," or "by being shot to death," as the court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 84.

Transportation.

Whenever the sentence of a general court-martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, any of the Sudder Courts shall give effect to such sentence or commuted sentence, on the same being certified to the court under the authority of the Commander-in-Chief.

Imprisonment.

And whenever any sentence of a court-martial shall adjudge imprisonment with hard labour, or with solitary confinement, or both, or whenever the sentence of a court-martial shall be commuted to any such imprisonment, it shall be the duty of every judge, magistrate, sheriff, or other officer in charge of a jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the officer commanding the station or regiment or detachment, within which the trial is held.

ARTICLE 85.

Imprisonment for life.

Whenever any soldier shall be sentenced to imprisonment for life, or a

SECTION III. Administration of Justice.

sentence of death shall be commuted to imprisonment for life, it shall be lawful for the Commander-in-Chief to order such offender to be transported beyond sea for life, and such order shall thereupon be made, unless there should be special reasons inducing the Commander-in-Chief to think such prisoner not a proper subject for transportation.

ARTICLE 86.

Place of imprisonment.

Persons sentenced to imprisonment by courts-martial shall be imprisoned in any public prison or in any other fit place which the Commander-in-Chief shall from time to time direct.

ARTICLE 87.

Dismissal from service.

Every soldier sentenced to imprisonment with hard labour shall, previous to undergoing such punishment, be struck off the strength of his corps from the date of confirmation of such sentence; and no soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 88.

Dismissal with ignominy.

Offenders sentenced to dismissal for disgraceful conduct;

And offenders subject to corporal punishment, or to imprisonment with hard labour for disgraceful conduct, shall, on any such sentence being confirmed, be dismissed with ignominy.

ARTICLE 89.

Stoppage of pay.

In every case wherein a fine, or forfeiture of arrears of pay, or stoppages, shall be adjudged by a court-martial, any pay or public money due to the offender, or that may become due to him, shall be available with the sanction of the Commander-in-Chief, for the payment of the amount so adjudged.

Limitation.

And no soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half his pay and allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his pay and allowances.

Forms of Proceeding.

ARTICLE 90.

Hours of court sitting.

Trials by courts-martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 91.

Judge advocate.

At general courts-martial a judge advocate, or an European officer of not less than ten years' service, shall be appointed to conduct the proceedings.

SECTION III. Administration of Justice.

At all courts-martial inferior to general, an European officer of not less than four years' standing in the service, except in cases where no officer of that standing may be available, or the adjutant of the regiment, shall be appointed to conduct the proceedings.

ARTICLE 92.

Interpreter.

An interpreter shall be appointed to all courts-martial; and any interpreter or other competent person available at the station where the court-martial may sit shall be appointed, as occasion may require, by the officer commanding at such station, on application from the judge advocate or superintending officer at such court-martial. But in situations where the services of an interpreter or other competent person are not available, the superintending officer at the court-martial, shall perform the duty of interpreter.

ARTICLE 93.

President.

At all courts-martial the senior officer shall sit as president without being so appointed by warrant. Provided that all subadar majors are to take precedence according to the dates of their commissions, and above all native officers holding the rank of subadar or jemadar; and that sirdar bahadoors and bahadoors shall rank only according to their respective commissions of subadar major, subadar, or jemadar. Rissaldars and rissaldars will take rank with subadars, and naib rissaldars with jemadars, according to the dates of their respective commissions.

Death or absence of president.

In case of the death or unavoidable absence of the president, the next senior member shall take the place of the president, and the trial shall proceed, provided that the court shall still consist of at least the number of members of which such court is directed to consist by these Articles of War.

ARTICLE 94.

Revision of sentence.

No finding or sentence of a court-martial shall be revised more than once, and no evidence shall be received on such revision. For the purpose of such revision the president and all the members shall be convened if possible. But if any of them should be unavoidably absent, the remaining members may proceed with such revision, provided they are not fewer than the smallest number directed in these articles, respectively. When all the same members do not meet, the circumstances are to be duly certified on the face of the proceedings.

Manner of Voting.

ARTICLE 95.

Manner of voting.

All the members of a court-martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest: and in all cases where a sentence of death may not be awarded, the decision shall be by the majority of members present, provided the number of members present be not less than that required by the preceding Articles: but in case of an equality of votes, the decision shall be in favour of the prisoner; the president at a court-martial shall vote with the other members, but shall have no casting vote. Provided, that in cases of an equality of votes upon

SECTION III. Administration of Justice.

other questions than the finding and the sentence, the president shall have a casting vote.

ARTICLE 96.

Sentence of death.

No sentence of death shall be given against any offender by a court-martial, unless two-thirds of the members present concur therein, or four where the court consist of five members, or five where the court consist of seven.

Affirmations.

ARTICLE 97.

Interpreter's affirmation.

On the assembly of a court-martial, the judge advocate or superintending European officer shall administer to the interpreter the following solemn affirmation:

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the court, and that I will not divulge the sentence until it shall have been published by authority; and further, that I will not disclose or discover the vote or opinion of any particular member of the court, unless required to give evidence thereof by a court of justice or court-martial, in due course of law."

In case of the unavoidable absence of an interpreter, the European superintending officer of a court-martial inferior to general shall make the solemn affirmation prescribed for the interpreter.

Member's affirmation.

The judge advocate or superintending officer shall then cause the following solemn affirmation to be made by each member:

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will duly administer justice according to the Articles of War, without partiality, favour, or affection, and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases, and that I will not divulge the sentence of the court until it shall be published by authority; and further, that I will not disclose or discover the vote or opinion of any particular member of the court, unless required to give evidence thereof by a court of justice or a court-martial, in due course of law."

Judge advocate's affirmation.

The following solemn affirmation shall then be administered by the interpreter to the judge advocate or superintending officer:

"I, A. B., solemnly affirm, in the presence of Almighty God, that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice, or a court-martial, in due course of law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the court, until it shall be published by authority."

Provided, that it shall be necessary to re-administer those solemn affirmations on the commencement of fresh trials before the same court.

*ARTICLE 98.

Witnesses' oath or affirmation.

All persons who give evidence at a court-martial are to be examined on oath according to the forms of their respective religions, or on affirmation

—and persons of the Hindoo or Mahomedan persuasion, and other persons making affirmation, shall make affirmation to the following effect:

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

And if any person making such affirmation as aforesaid, shall wilfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

ARTICLE 99.

Summoning witnesses not military.

In all cases where persons required as witnesses before a court-martial may not be amenable to military law, the judge advocate or commanding officer shall transmit to the magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshals.

ARTICLE 100.

Powers and duties of provost marshals.

For the prompt and instant repression of all irregularities and crimes which may be committed by troops in the field and on the line of march, provost marshals shall be appointed by the Commander-in-Chief, and their powers shall be regulated according to the established usages of war and rules of the service; their duties are to take charge of prisoners confined for offences of a general description; to preserve good order and discipline; to prevent breaches of both, by soldiers and followers of the army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing breaches of good order and military discipline. Provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the provost marshals may from time to time receive from the commander of the forces in the field, and that whatever may be the crime, the provost marshal or his assistant shall see the offender commit the act for which summary punishment may be inflicted, or if the provost marshal or his assistants should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a report shall be made to the commander of the army in the field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good order and military discipline. The duties of provost marshals being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the general commanding the forces in the field will cause them to exercise the powers entrusted to them in such manner, and under such circumstances, as he may consider best calculated to prevent and instantly to repress crimes injurious to the discipline of the East-India Company's army and the public service.

SECTION III.
Administration of Justice.

Trials by European Courts-Martial.

ARTICLE 101.

Trials by European courts-martial.

At any presidency, where the native troops have hitherto been authorized to claim to be tried by European courts-martial, every person amenable to these Articles of War, and who may be under orders for trial by a court-martial, shall have the right to claim to be tried by European officers; and should he make such claim, the court, whether general, district, or garrison, or regimental, shall be composed of European commissioned officers, and the number of members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor-General of India in Council, by a General Order, to authorize the native troops of any of the presidencies to claim to be tried in like manner by European courts-martial.

SECTION IV.

Effects of the Dead.

* ARTICLE 102.

Effects of the dead.

When any officer or soldier, or any person receiving public pay, drawn by any officer in charge of a public department belonging to the army, may die, or be killed in the service, the commanding officer of the regiment or party, or officer in charge of the department, shall, if no heir or executor be present, secure his effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the adjutant, or officer in charge of the department.

*ARTICLE 103.

Sale of effects.

If there be no heir or executor on the spot, the effects are to be publicly sold: the commanding officer of the regiment or party, or officer in charge of the department, after discharging the debts of the deceased, viz. the expense of funeral ceremonies, his debts in camp or quarters, and regimental debts of every description, shall account for the residue to the heir or heirs declared by will, whether written or verbal, or nominated in the regimental register, or in failure of such, to the legal representative of the deceased; and in the event of no executor, heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the officer having charge of the estate is to be remitted to the general treasury at the presidency.

SECTION V.

Miscellaneous.

ARTICLE 104.

* Sale of deserters' effects.

The effects of deserters are to be publicly sold, and the proceeds, after

payment of the regimental debts, remitted by the officer commanding the corps to which the deserter belongs, to the general treasury at the presidency, or appropriated according to the rules obtaining at such presidency.

SECTION V. Miscellaneous.

ARTICLE 105.

Construction of the Articles.

All powers and provisions contained in these Articles relating to the Commander-in-Chief shall be construed to extend to the Commander-in-Chief at any presidency, and to the officer commanding the forces for the time being at any presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to soldiers, shall be construed to extend to non-commissioned officers, unless when otherwise provided.

ARTICLE 106.

Of troops serving out of their own Presidency.

When any portion of the troops belonging to one presidency shall be serving within the limits of another presidency, such troops shall be considered as placed, during such service, under the orders and authority of the Commander-in-Chief, or commanding officer of the forces of the presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such presidency. Provided always, that it shall be lawful for the Governor-General in Council, in his executive capacity, to direct that the troops, or any part thereof, of any presidency, whilst serving without the limits of such presidency shall continue under the orders and authority of the Commander-in-Chief, or commanding officer of the forces of the presidency to which they belong for all purposes of these Articles.

ARTICLE 107.

Of assembling courts-martial in foreign territories.

Any officer commanding any portion of the East-India Company's troops which may at any time be serving in any place out of Her Majesty's dominions, or of the possessions or territories which are or may be under the government of the said Company, or of the territories of those states in alliance with the said Company in which the said Company's forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's army, being under the immediate command of any such officer, summon and cause to assemble a general court-martial, which shall consist of not less than three officers, for the purpose of trying any such person, notwithstanding any such officer shall not have received any warrant empowering him to assemble courts-martial; and every such court-martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to general courts-martial; provided that no sentence of any such court-martial shall be executed until the general commanding in chief the army to which the division, brigade, detachment, or party to which any person so tried, convicted, and adjudged to suffer punishment shall

SECTION V. Miscellaneous.

belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a district or garrison court-martial, in which case the officer by whom the court is convened is hereby authorized to confirm, or commute, or mitigate, or remit the same; reporting the proceedings to the said general commanding in chief.

ARTICLE 108.

Trial of commissioned officers.

General courts-martial only shall have the power to try commissioned officers: or to pass sentence of death or transportation on any offenders.

ARTICLE 109.

No person to be tried a second time for the same offence.

No person being acquitted or convicted before a court-martial of any offence, shall be liable to be tried a second time by the same or any other court-martial for the same offence. Provided always, that after a soldier shall have been found guilty by a court-martial of any military offence, such court-martial shall inquire into and receive evidence of any previous conviction of such soldier before a court-martial or a court of justice, and shall inquire into the general character of such soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the court shall have ascertained that such soldier had, previously to his trial, received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all soldiers previous to trial.

*ARTICLE 110.

Trial of non-commissioned officers.

No non-commissioned officer shall be reduced to the ranks but by the sentence of a court-martial, or by order of the Commander-in-Chief of the presidency to which the offender shall belong. Provided that no non-commissioned officer shall be reduced to the ranks for any limited period; nor suspended from his rank; nor reduced from a higher to a lower grade of non-commissioned officer; nor sentenced to suffer corporal punishment, or imprisonment, without being first reduced to the ranks.

*ARTICLE 111.

Of complaints against superior officers.

Any officer or soldier thinking himself wronged by his superior or other officer is to complain thereof to the commanding officer of his troop or company, by whom, if the grievance be not redressed, such officer, non-commissioned officer, or soldier, may complain to the commanding officer of his regiment, who is hereby required to examine into such complaint, or remit it to his superior authority, as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a general or other court-martial, in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to dismissal, nor to suffer corporal punishment or imprisonment with hard labour.

ARTICLE 112.

Extra drill, &c.

In case of light offences, a commanding officer may, without the intervention of a court-martial, award extra drill, with or without pack, of a

period not exceeding fifteen days; restriction to barrack limits not exceeding fifteen days; confinement in the quarter guard or defaulter's room not exceeding seven days; removal from staff situations or acting appointments; or may order soldiers to be employed in piling and unpiling shot; and in cleaning accoutrements of men in hospital; but none of these descriptions of punishment shall be awardable by sentence of a court-martial. And a commanding officer may award solitary confinement not exceeding seven days.

SECTION V. Miscellaneous.

Provided that soldiers in confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 113.

Prisoners of war.

Any officer, or soldier, who shall be taken prisoner by the enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner, and until he shall again return to the service; when, if he can establish, before a court-martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the presidency to which he may belong shall determine, after the opinion or finding of such court-martial shall have been confirmed by the Commander-in-Chief. [*And every officer or soldier in imprisonment under the sentence of a court-martial, or a commuted sentence, or under the sentence of a court of criminal judicature, shall, during the term of such imprisonment, receive subsistence only to the amount of his pay proper, according to the rates of pay granted to officers and soldiers of the Bengal army.*]

Repealed by Act XXXVI. 1850.

SECTION VI.

Mode of dealing with Offences not Military.

ARTICLE 114.

Persons charged with offences cognizable by the civil power to be delivered over to the magistrate.

In all places within the jurisdiction of any civil judicature, established by appointment of Her Majesty or of the said Company, officers and soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such civil judicature, shall be delivered over to a magistrate to be proceeded against according to law.

And all officers and soldiers are hereby required to assist the officers of justice in apprehending and securing any person so accused.

Crimes to be tried by Courts-Martial where no regular Criminal Tribunals exist.

ARTICLE 115.

Crimes to be tried by courts-martial where no regular criminal tribunals exist.

In any place within the limits of the charter of the East-India Company, whether in or out of the British territories, where there may be no civil judicature appointed by Her Majesty or the said Company for the trial of

SECTION VI. Mode of dealing with Offences not Military.

persons accused of offences ordinarily cognizable by civil tribunals, such offences, when committed by officers or soldiers, shall be cognizable by courts-martial.

ARTICLE 116.

General courts-martial.

General courts-martial shall have cognizance ordinarily, of offences punishable with death;

Transportation for life;

Imprisonment for life;

Imprisonment for a period which may extend to fourteen years;

Imprisonment for a period which may extend to seven years.

ARTICLE 117.

District or garrison courts-martial.

District, or garrison courts-martial shall have cognizance, ordinarily, of offences punishable with imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by general courts-martial, not liable to the punishment of death or transportation, with power to sentence persons convicted of such offences to imprisonment for any period not exceeding three years.

ARTICLE 118.

Regimental, detachment, or line courts-martial.

Regimental, detachment, or line courts-martial, shall have cognizance, ordinarily, of offences punishable with imprisonment for a period not exceeding six calendar months, and, by special order, of offences ordinarily cognizable by district, or garrison courts-martial, with power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

General Courts-Martial.

Punishment of Death.

ARTICLE 119.

For murder.

Any officer or soldier who shall be convicted by a general court-martial of the crime of "murder" shall be sentenced to suffer death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

ARTICLE 120.

Offences punishable by transportation for life.

Any officer or soldier who shall be convicted by a general court-martial

SECTION. VI. Mode of dealing with Offences not Military.

of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other corporal injury to any person endangering the life of such person: That is to say,

1st.—Breaking, or attempting to break, by day or night, into any dwelling-house, tent, boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal.

2nd.—Robbery or attempt to rob;

3rd.—Stealing or attempting to steal in a house, or from the person;

Shall be sentenced by such general court-martial to imprisonment with or without hard labour, and transportation for life.

Offences punishable by Imprisonment which may extend to Fourteen Years.

ARTICLE 121.

Offences.

Any officer or soldier who shall be convicted by a general court-martial of any of the offences specified in the last Article, accompanied with wounding or other corporal injury to any person not endangering the life of such person; — or

ARTICLE 122.

Of wounding, or administering poison with intent to murder, whether the person wounded, or to whom poison is administered, be the person whom the offender intended to murder or another; — or

ARTICLE 123.

Of robbery by open violence, or dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbing; — or

ARTICLE 124.

Of breaking, or attempting to break, into any dwelling house, tent, boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal; — or

ARTICLE 125.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property, the value of which shall exceed one hundred Company's rupees; — or

ARTICLE 126.

Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery by open violence, or by theft or robbery aggravated as described in Article 120 or Article 121;

Punishment.

Shall be sentenced by such general court-martial to imprisonment with or without hard labour for a period not exceeding fourteen years.

SECTION VI.
Mode of dealing with Offences not Military.

Offences.

Offences punishable by Imprisonment not exceeding seven years.

ARTICLE 127.

Any officer or soldier who shall be convicted by a general court-martial of culpable homicide not amounting to wilful murder; — or

ARTICLE 128.

Of premeditated affray, attended with homicide, or severe wounding, or other aggravating circumstance; — or

ARTICLE 129.

Of intentionally wounding, maiming, or otherwise doing corporal injury to any person; — or

ARTICLE 130.

Of accidentally wounding, maiming, or otherwise doing corporal injury to any person, with the intention of doing such injury to another person; — or

ARTICLE 131.

Of breaking into any dwelling house, tent, boat, or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein; — or

ARTICLE 132.

Of stealing from any habitation, or from any person, any property exceeding three hundred Company's rupees in value; — or

ARTICLE 133.

Of having purchased any property so stolen, exceeding in value three hundred Company's rupees, knowing it to have been stolen; — or

ARTICLE 134.

Of arson; — or

ARTICLE 135.

Of an unnatural crime; — or

ARTICLE 136.

Of rape; — or

ARTICLE 137.

Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of fifteen years; — or

ARTICLE 138.

Of stealing a child under the age of eight years; — or

ARTICLE 139.

Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper, of any description; or any counterfeit seal or signature thereto; or the illicit imitation of any public stamp or stamped paper, established by Government; or of fraudulently issuing and publishing as true, or of fraudulently giving effect, or attempting to give effect, to fabricated deeds and papers, knowing them to be forgeries; or of using, selling, or disposing of such stamped paper, knowing the same to be counterfeit; — or

SECTION VI.
Mode of dealing with *Offences not Military.*

ARTICLE 140.

Offences.

Of forging or procuring to be forged any counterfeit coin, in imitation of any of the gold, silver, or copper coin of the British Government in India; or of any coin usually received as money in the British territories; or of clipping, filing, drilling, or defacing any such coin; or of paying or tendering in payment counterfeit coin, bank notes, or other securities for money, knowing the same to be counterfeit, although such notes or securities shall be incomplete;

Punishment.

Shall be sentenced by such general court-martial to suffer imprisonment with or without hard labour, for any period not exceeding seven years.

District or Garrison Courts-Martial.

Offences punishable by Imprisonment not exceeding Three Years.

ARTICLE 141.

Powers of district or garrison courts-martial.

It shall be competent to the Commander-in-Chief, and to any officer having authority to convene district or garrison courts-martial, to cause offenders, not being commissioned officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of death, or imprisonment, or transportation for life is not provided therein, to be tried for such offences before a district, or garrison court-martial, and such court shall have power, on conviction, to sentence any such offender to imprisonment with or without hard labour for any period not exceeding three years.

ARTICLE 142.

Offences.

Any officer or soldier who shall be convicted by a general, district, or garrison court-martial, of stealing from any habitation, or from the person, any property, of value not exceeding three hundred Company's rupees, but exceeding fifty Company's rupees; or

ARTICLE 143.

Of having purchased or received any stolen property of value not exceeding three hundred Company's rupees, knowing it to have been stolen, but not under aggravating circumstances; — or

ARTICLE 144.

Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen;

Punishment.

Shall be sentenced by such court to suffer imprisonment with or without hard labour for any period not exceeding three years.

Regimental, Detachment, or Line Courts-Martial.

Offences punishable by Imprisonment not exceeding Six Months.

ARTICLE 145.

Regimental, detachment, or line courts-martial.

It shall be competent to any officer having authority to convene a court-martial, to cause offenders, not being commissioned officers, accused of

SECTION VI. Mode of dealing with Offences not Military.

any of the offences specified in the preceding Articles of War, for which no punishment exceeding imprisonment with hard labour for three years is therein provided, to be tried before regimental, or detachment, or line courts-martial, and any such court shall have power, on conviction, to sentence any such offender to suffer imprisonment with or without hard labour for any period not exceeding six calendar months.

Offences punishable by Imprisonment from Six Months to One Year, according to the Description of the Court.

ARTICLE 146.

Offences.

Any officer or soldier who shall be convicted of stealing property to the value of fifty Company's rupees, or of less value; — or

ARTICLE 147.

Of assault or affray, unattended with homicide, severe wounding, or aggravating circumstances;

Punishment.

Shall be sentenced to suffer imprisonment with or without hard labour, for any period not exceeding one year, by the award of a general, or district, or garrison court-martial; or, for any period not exceeding six calendar months, by the award of a regimental, or detachment, or line court-martial.

Offences punishable by Imprisonment from Six Months to Two Years, according to the Description of the Court.

ARTICLE 148.

Offences.

Any officer or soldier who shall be convicted of resisting the process of a magistrate or police officer; — or

ARTICLE 149.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War;

Punishment.

Shall be sentenced to suffer imprisonment for any period not exceeding two years, by the award of a general court-martial; not exceeding one year, by the award of a district, or garrison court-martial; and not exceeding six calendar months, by the award of a regimental, or detachment, or line court-martial.

ARTICLE 150.

Offences of aiding and abetting.

Any officer or soldier who shall be convicted by a general, or district, or garrison, or regimental court-martial, of having been present, aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such court to the punishment therein provided for such offence, and awardable by general, or district, or garrison, or regimental courts-martial, respectively.

SECTION VI.
Mode of dealing with Offences not Military.

ARTICLE 151.

Sentence of death.

No sentence of death shall be carried into effect until confirmed by the Commander-in-Chief, nor, if the trial shall have been held within the British territories forming part of either of the presidencies of Fort William, Fort St. George, and Bombay respectively, until such confirmation shall have been concurred in by the Government of the presidency where such trial shall have been held.

ARTICLE 152.

Confirmation or commutation.

The Commander-in-Chief is authorized at his discretion to confirm any sentence of death, or to remit such sentence, or to commute it into imprisonment with hard labour and transportation for life, or into imprisonment with hard labour for any term of years.

ARTICLE 153.

Transportation.

No sentence of transportation shall be carried into effect until confirmed by the Commander-in-Chief, and the Commander-in-Chief is authorized at his discretion to confirm any such sentence, or to commute it into imprisonment with or without hard labour for any period of time.

ARTICLE 154.

Remission or mitigation.

It shall be competent to any officer having authority to confirm the sentence of a general or other court-martial to remit any sentence passed by such court-martial, or to mitigate such sentence by substituting simple imprisonment for imprisonment with hard labour, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

ARTICLE 155.

No person to be tried again, for same crime, after trial under this section.

A person who may have been tried for any offence by a court-martial under the authority of these Articles of War, shall not be tried for the same in any other court whatsoever, and no person who shall have been acquitted or convicted of any offence by a court of civil judicature shall be punished by a court-martial for the same, otherwise than by cashiering or dismissal from the service.

ARTICLE 156.

Rules respecting bazar and cantonment police, and punchayets, declared in force.

The Regulations at present in force at any presidency, by which the office and powers of commissariat officers, or officers in charge of the police, or superintendents of bazars, are defined and controlled; or by which punchayets are constituted and guided; or by which jurisdiction is given to courts-martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around cantonments; are hereby declared to be in full force, and the same shall continue to be observed at the several presidencies respectively.

SECTION VII.

Application of the Articles.

ARTICLE 157.

All officers and soldiers, all drivers, farriers, trumpeters, and drummers;

SECTION VII. Application of the Articles.

all unattested recruits; hospital attendants, sub-assistant surgeons, native doctors, and dressers; all artificers and labourers, sutlers, followers, public and private, or others attached to or serving with any part of the army, are to be governed by these Articles, and subject to trial by courts-martial.

Provided, that persons of European descent (whether on the side of their father or mother), professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article (and not being her Majesty's natural-born subjects born in Europe, or the children of subjects), shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better Government of the European officers and soldiers in the service of the East-India Company.

Promulgation of the Articles.

ARTICLE 158.

These Articles are to be translated into the several languages of the different presidencies, and the parts following, viz. the second section, together with the following Articles in other sections which are marked with an *(asterisk), viz. 2, 4, 75, 78, 80, 102, 103, 110, and 111, are to be read once every three months at the head of every regiment, troop, or company, mustered in the service, and to every recruit at the period of his attestation.

A.D. 1847. ACT XX.

AN ACT *for the Encouragement of Learning in the Territories subject to the Government of the East-India Company, by defining and providing for the enforcement of the Right called Copyright therein:* PASSED *by the Governor-General of India in Council, on the* 18*th day of December*, 1847.

Preamble.

WHEREAS doubts may exist whether the right called copyright can be enforced by the common law of England in those parts of the territories subject to the government of the East-India Company into which the common law of England has been introduced:

And whereas doubts may exist whether the said right can be enforced by virtue of the principles of equity and good conscience in the other parts of the territories subject to the government of the East-India Company:

And whereas, for the encouragement of learning, it is desirable that the existence of the said right should be placed beyond doubt, and that the

said right should be made capable of easy enforcement in every part of the said territories:

And whereas it is doubtful whether the Act of Parliament 5 and 6 Victoria, cap. 45, entitled "an Act to amend the Law of Copyright," although such Act extend to every part of the British dominions, has made appropriate and sufficient provisions for the enforcement in every part of the said territories subject to the government of the East-India Company, of the said right by proprietors thereof; and whether the said Act of Parliament has made provision for the enforcement of the said right by or against any persons not being subject to the jurisdiction of the courts established by her Majesty's charter:

Duration of copyright.

I. It is therefore hereby enacted, that the copyright in every book published in the lifetime of its author within the said territories after the passing of the Act of Parliament 3 and 4 Wm. IV. cap. 85, entitled "An Act for Effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories till the 30th day of April, 1854," shall endure for the natural life of such author, and for the further term of seven years, commencing at the time of his death, and shall be the property of such author and his assigns: Provided always, that if the said term of seven years shall expire before the end of forty-two years from the publication of such book, the copyright shall in that case endure for such period of forty-two years; and that the copyright in every book published after the death of its author, and after the passing of the Act of Parliament last aforesaid, shall endure for the term of forty-two years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript, from which such book shall be first published, and his assigns.

License to re-publish on refusal of proprietor of copyright.

II. And whereas it is expedient to provide against the suppression of books of importance to the public: It is enacted, that it shall be lawful for the Governor-General in Council, on complaint made to them, that the proprietor of the copyright in any book published after the passing of this Act, within the said territories, has after the death of its author refused to republish or to allow the republication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a license to such complainant to publish such book in such manner and subject to such conditions as they may think fit, and it shall be lawful for such complainant to publish such book according to such license.

Registry of copyrights;

how accessible.

Copies of entries to be given.

III. And it is hereby enacted, that a book of registry, wherein may be registered, as hereinafter enacted, the proprietorship in the copyright of books and assignments thereof, and licenses affecting such copyright, shall be kept in the office of the Secretary to the Government of India for the Home Department, and shall at all convenient times be open to the inspection of any person, on payment of eight annas for every entry which shall be searched for or inspected in the said book, and that such officer shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, to any person requiring the same, on payment to him of the sum of two rupees, and such copies so certified shall be received in evidence in all courts, and in all summary pro-

ceedings, and shall be *primâ facie* proof of the proprietorship or assignment of copyright or license as therein expressed, but subject to be rebutted by other evidence.

Punishment for falsification.

IV. And it is enacted, that if any person shall wilfully make, or cause to be made, any false entry in the registry book aforesaid, or shall wilfully produce, or cause to be tendered in evidence, any paper falsely purporting to be a copy of any entry in the said book, he shall be guilty of a misdemeanour, and shall be punished with imprisonment, with or without hard labour, for a term not exceeding three years.

In registry, how to be made.

V. And it is enacted, that after the passing of this Act, it shall be lawful for the proprietor of copyright in any book published after the passing of the said Act of Parliament 3 and 4 Wm. IV. cap. 85, to make entry in the registry book of the title of such book, the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, in the form in that behalf given in the schedule to this Act annexed, upon payment of the sum of two rupees to the said secretary; and that it shall be lawful for every such registered proprietor to assign his interest, or any portion of his interest therein, by making entry in the said book of registry of such assignment and of the name and place of abode of the assignee thereof, in the form given in that behalf in the said schedule, on payment of the like sum; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by deed.

Their legal effect.

Redress of persons aggrieved by registry.

VI. And it is enacted, that if any person shall deem himself aggrieved by any entry made under colour of this Act in the said book of registry, it shall be lawful for such person to apply by motion to the Supreme Court of Calcutta, or if the court shall not be then sitting, to any judge of such court sitting in chambers, for an order that such entry may be expunged or varied; and that upon any such application to the said court, or to a judge as aforesaid, such court or judge shall make such order for expunging, varying, or confirming such entry, either with or without costs, as to such court or judge shall seem just, and the said secretary shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same according to the requisitions of such order.

Penalty for infringement of copyright.

VII. And it is enacted, that if any person shall, after the passing of this Act, print or cause to be printed, either for sale or exportation, any book in which there shall be subsisting copyright, without the consent in writing of the proprietor thereof, or shall have in his possession for sale or hire any such book so unlawfully printed, without such consent as aforesaid, such offender, if he shall have so offended within the local limits of the jurisdiction of any of the courts of judicature established by her Majesty's charter, shall be liable to a special action on the case in such court; and if he shall have so offended in any other part of the territories subject to the

May be sued for in her Majesty's and in the East-India company's courts.

government of the East-India Company, to a suit in the Zillah Court within the jurisdiction of which he shall have so offended, which shall and may be prosecuted in the same manner in which any other action of damages may be brought and prosecuted there; and if he shall have so offended in any such last-mentioned part of the territories subject to the government of the East-India Company, in which there is no Zillah Court, to a suit in the highest local court exercising original civil jurisdiction in such part of the said territories.

Proceedings to be held in her Majesty's courts.

VIII. And it is hereby enacted, that after the passing of this Act, in any suit or action brought in any of the courts of judicature established by her Majesty's charter, under the provisions of this Act, against any person for printing any such book for sale, hire, or exportation, or for selling, publishing, or exposing to sale or hire, or causing to be sold, published, or exposed to sale or hire, or for having in his possession for sale or hire, any such book so unlawfully printed, the defendant on pleading thereto shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action, and if the nature of his defence be that the plaintiff in such action was not the author or first publisher of the book in which he shall by such action claim copyright, or is not the proprietor of the copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the copyright therein, then the defendant shall specify in such notice the name of the person whom he alleges to have been the author or first publisher of such book, or the proprietor of the copyright therein, together with the title of such book, and the time when and the place where such book was first published; otherwise the defendant in such action shall not at the trial or hearing of such action, be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such copyright as aforesaid, or that he was not the proprietor of the copyright therein, and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the copyright therein, than the person specified in such notice, or give in evidence, in support of his defence, any other book than one substantially corresponding in title, time, and place of publication, with the title, time, and place specified in such notice.

Proceedings in the East-India Company's courts.

IX. And it is hereby enacted, that, after the passing of this Act, in any such suit or action as last aforesaid, brought in any Zillah Court or other local court as aforesaid, the defendant shall state in his answer all such matters as he means to rely on, and which, by the last preceding section, the defendant in any suit or action brought in any of the courts of judicature, established by her Majesty's charter, is required to give notice of in writing, otherwise such defendant shall be subject to the same consequences for any omission in his answer, as a defendant is made subject to by the last preceding section for any omission in his notice.

Protection of copyright in articles in en-

X. And it is hereby enacted, that when any publisher or other person shall, within the said territories, before or at the time of the passing of

cyclopædias and periodical works.

this Act, but after the passing of the said Act of Parliament 3 and 4 Wm. IV. cap. 85, have projected, conducted, and carried on, or shall hereafter project, conduct, or carry on, or be the proprietor of any encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any volumes, parts, essays, articles, or portions thereof, for publication in, or as part of the same, and such work, volumes, parts, essays, articles, or portions, shall have been, or shall hereafter be composed under such employment, on the terms that the copyright therein shall belong to such proprietor, projector, publisher, or conductor, and paid for by such proprietor, projector, publisher, or conductor, the copyright in every such encyclopædia, review, magazine, periodical work, and work published in a series of books or parts, and in every volume, part, essay, article, and portion, so composed and paid for, shall be the property of such proprietor, projector, publisher, or conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of copyright therein as is given to the authors of books in this Act; except only that in the case of essays, articles, or portions forming part of, and first published in reviews, magazines, or other periodical works of a like nature, after the term of twenty-eight years from the first publication thereof respectively, the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act. Provided always, that during the term of twenty-eight years the said proprietor, projector, publisher, or conductor, shall not publish any such essay, article, or portion, separately, or singly, without the consent previously obtained of the author thereof or his assigns: Provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid, to publish any such his composition in a separate form, who by any contract, express or implied, may have reserved or may hereafter reserve to himself such right; but every author reserving, retaining, or having such right, shall be entitled to the copyright in such composition, when published in a separate form, according to this Act, without prejudice to the right of such proprietor, projector, publisher, or conductor, as aforesaid.

How the above articles are to be registered.

XI. And it is hereby enacted, that the proprietor of the copyright in any encyclopædia, review, magazine, periodical work, or other work published in a series of books or parts, shall be entitled to all the benefits of the registration in the office of the Secretary to the Government of India for the Home Department, under this Act, on entering in the said book of registry the title of such encyclopædia, review, periodical work, or other work published in a series of books or parts, the time of the first publication of the first volume, number, or part thereof, or of the first volume, number, or part first published after the passing of this Act in any such work which shall have been published heretofore, and after the passing of the said Act of Parliament 3 and 4 Wm. IV. cap. 85, and the name and place of abode of the proprietor thereof, and of the publisher thereof, when such publisher shall not also be the proprietor thereof.

Pirated copies forfeited to the copyright proprietor.

XII. And it is enacted, that all copies of any book wherein there shall be copyright, and of which entry shall have been made in the said registry

book, and which shall have been unlawfully printed without the consent of the registered proprietor of such copyright, in writing under his hand first obtained, shall be deemed to be the property of the proprietor of such copyright, and who shall be registered as such, and such registered proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same, or damages for the detention thereof.

Proceedings to recover printed copies in her Majesty's courts;

XIII. And it is enacted, that if the case be within the jurisdiction of any of the courts of judicature established by her Majesty's charter, such registered proprietor shall be entitled to sue for and recover such copies, or damages for the detention thereof, in an action of detinue, from the party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of trover, and that if the case be within the jurisdiction of any Zillah Court or other local court as aforesaid, the registered proprietor shall be entitled to sue for and recover such copies, or damages for the detention or conversion thereof, in such form as is in use in the said zillah or other local courts for the recovery of specific personal property, or damages for the detention or conversion thereof.

in the courts of the East-India Company.

No proceedings under this Act to be taken without previous registry.

XIV. And it is enacted, that no proprietor of copyright in any book first published after the passing of the said Act of Parliament 3 and 4 Wm. IV. cap. 85, shall maintain under the provisions of this Act any action or suit at law or in equity, or any summary proceeding in respect of any infringement of such copyright unless he shall, before commencing such action, suit, or proceeding, have caused an entry to be made in the book of registry, at the office of the said secretary, of such book pursuant to this Act. Provided always, that the omission to make such entry shall not affect the copyright in any book, nor the right to sue or proceed in respect of the infringement thereof, except the right to sue or proceed in respect of the infringement thereof, under the provisions of this Act.

Recovery of costs in her Majesty's courts.

XV. And it is enacted, that if any action or suit shall be commenced or brought in any of the courts of judicature established by her Majesty's charter against any person or persons whomsoever, for doing, or causing to be done, any thing in pursuance of this Act, the defendant or defendants in such action may plead the general issue, and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become nonsuited or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath in the said last-mentioned courts.

Limitation of suits;

twelve months.

XVI. And it is enacted, that all actions, suits, bills, indictments, informations, and other criminal proceedings for any offence which shall be committed against the Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of none effect.

Rights anterior to this Act protected.

XVII. Provided always, and it is enacted, that nothing in this Act contained shall affect, alter, or vary any right subsisting at the time of passing this Act, except as herein expressly enacted; and all contracts,

agreements, and obligations made and entered into before the passing of this Act, and all remedies relating thereto, shall remain in full force, any thing herein contained to the contrary notwithstanding.

Schedule.

SCHEDULE.

No. 1.

Original Entry of Proprietorship of Copyright of a Book.

Time of making the Entry.	Title of Book.	Name of the Publisher and Place of Publication.	Name and Place of abode of the Proprietor of the Copyright.	Date of First Publication.

No. 2.

Form of Entry of Assignment of Copyright in any Book previously registered.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of the Copyright.
	(Set out the Title of the Book, and refer to the page of the Registry Book in which the original Entry of the Copyright thereof is made.)		

A.D. 1848. ACT III.

AN ACT *for removing Doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 26th of February,* 1848.

Preamble.

WHEREAS doubts have arisen as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India:—

Definitions of "Thug," "Thuggee," and "murder by Thuggee."

It is hereby declared and enacted, that the word "Thug," when used in any Act heretofore passed by the Council of India, shall be taken to have meant and to mean a person who is, or has at any time been, habitually associated with any other or others for the purpose of committing, by means intended by such person or known by such person to be likely to cause the death of any person, the offence of child-stealing, or the offence of robbery not amounting to dacoity. And that the word "Thuggee," when used in such Acts, shall be taken to have meant and to mean the offence of committing or attempting any such child-stealing or robbery by a Thug. And that the expression "murder by Thuggee," when used in such Acts, shall be taken to have meant and to mean murder when employed as the means of committing such child-stealing or such robbery by a Thug.

A.D. 1848. ACT VI.

AN ACT *for equalizing the Duties on Goods imported and exported on Foreign and British Bottoms, and for abolishing Duties on Goods carried from Port to Port in the Territories subject to the Government of the East-India Company:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 4th of March,* 1848.

See Act V. 1850.

Goods imported on foreign bottoms to pay same duty as if imported on British bottoms.

I. IT is hereby enacted, that from and after the twenty-fifth day of March, 1848, all goods imported on foreign bottoms by sea into any port of the presidencies of Fort William in Bengal, Fort St. George, or Bombay, shall be charged only with the same rates of duty as such goods would now by law be charged with if such goods were imported into any of the said ports on British bottoms, anything in any Act of the Council of India contained to the contrary notwithstanding.

The like in respect of goods exported.

II. And it is hereby enacted, that from and after the said day all goods exported on foreign bottoms by sea, from any port of the said presidencies, shall be charged only with the same rates of duty as such goods would now by law be charged with if such goods were exported from any of the said

ports on British bottoms, anything in any Act of the Council of India contained to the contrary notwithstanding.

No duty on goods carried from port to port in the Company's territories.

III. And it is hereby enacted, that from and after the said day no duty shall be charged on any goods lawfully carried from any port in the territories subject to the Government of the East-India Company to any other port in the said territories, anything in any Act of the Council of India contained to the contrary notwithstanding.

Modified by Act VII. 1848.

Not to apply to salt or opium.

IV. Provided always, that nothing in this Act contained shall apply to the articles of salt or opium.

A.D. 1848. ACT VII.

AN ACT *to except certain Free Ports from the Operation of Section III., Act No. VI. of* 1848, *and otherwise to amend that Act:* PASSED *by the Right Honourable the Governor-General of India in Council, on the* 25*th of March,* 1848.

Sec. iii. Act VI. 1848, not to apply to the Straits, Tenasserim, or Arracan.

I. IN modification of Section III., Act No. VI. of 1848, it is hereby enacted, that the provisions of the said section shall not apply to goods exported from any port of the territories subject to the Government of the East-India Company, to any of the ports in the Straits of Malacca, or to any of the ports in the Tenasserim provinces, or to any of the ports in the province of Arracan, nor to goods imported from any of those ports into any port of the said territories.

No drawback on goods exported to certain places.

II. And it is hereby enacted, that no drawback shall be allowed on the re-export of goods from any port in the territories subject to the Government of the East-India Company to any other port in the said territories, to which the operation of Section III., Act No. VI. of 1848, may extend.

A.D. 1848. ACT X.

AN ACT *for Annexing the lapsed State of Mandvee to the Presidency of Bombay:* PASSED *by the Right Honourable the Governor-General of India in Council, on the 8th of April,* 1848.

WHEREAS the State of Mandvee has lapsed to the British Government:—

Mandvee declared subject to the Regulations.

I. It is hereby enacted, that from and after the 1st day of May, 1848, the lapsed state of Mandvee, as described in the annexed schedule, shall be subject to all Regulations and Acts which are or shall be in force within the territories subject to the presidency of Bombay.

Certain suits excepted from the jurisdiction of the civil courts.

II. And it is hereby enacted, in modification of Section XXI., Regulation II. of 1827; of Section VI., Regulation XVI. of 1827; and Sections IX., XVI., XXXIV., and XLIX. of Regulation XVII. of 1827, that suits on the following subjects shall not be cognizable by the civil courts within the said lapsed state of Mandvee:

First. All claims for damages against persons in authority under the late government for abuse of power during that period.

Second. All claims against Government on account of enams.

Third. All claims against Government on account of jagheers, wurshasuns, pensions, nemnooks, and other advantages, not hereditary.

Fourth. All disputes regarding public rent or revenue payable to Government, and all complaints of exaction by mamlutdars, or district or village officers.

Fifth. All claims on account of village debts, all village boundary disputes, and disputes regarding the use of wells and water-courses.

Powers of Government to exempt relatives of the rajas from the jurisdiction of the courts.

III. And it is hereby enacted, that the Governor of Bombay in Council shall be, and is hereby empowered to exempt from the jurisdiction of the civil and criminal courts, the widows and such of the present relatives of the late Rajas of Mandvee as may to him seem proper, and to declare the persons so exempted amenable to the authority of an agent whom he may appoint for this purpose.

SCHEDULE.

Territorial description of Mandvee.

Territorial Description of the Pergunnah of Soowangiah, constituting the lapsed State of Mandvee.

It is bounded on the east by Punch Molee pergunnah, belonging to his Highness the Guicowar.

On the west, by Turkeswur pergunnah of the Surat zillah, and Gullah pergunnah belonging to his Highness the Guicowar.

On the north, by Wusravee and Nausur pergunnahs belonging to his Highness the Guicowar, and Koondha pergunnah belonging to the raja of Rajpeepla.

On the south, by Timbah Beearah and Soonghur pergunnahs belonging to his Highness the Guicowar, and Kurod and Walore pergunnahs of the Surat zillah.

It comprises the undermentioned towns and villages, 162.

Town of Mandvee, situated on the north bank of the Taptee river.

Pergunnah Soowangiah.

1. Kherpor.
2. Kakurwa.
3. Poonah.
4. Oon.
5. Ooked.
6. Umul Saree.
7. Ghorsumba.
8. Gumtulao Boojgur.
9. Godawaree.
10. Boree.
11. Nundpor.
12. Khuralee.
13. Oomersaree, J.
14. Kosaree, J.
15. Kumlapor, J.
16. Vureth.
17. Kakrapar.
18. Bulunga.
19. Peepulwara.
20. Kanaghat.
21. Undhatree.
22. Hureepor.
23. Gangpor Hursud.
24. Dudwara.
25. Berdha.
26. Bhat Khaee.
27. Surkooee.
28. Umulwan.
29. Jetpo.
30. Keodee, E.
31. Kurootha, E.
32. Zhuree.
33. Umulchoonee, J.
34. Velunghur.
35. Ambapor, J.
36. Lakhakhan.
37. Wensala.
38. Katkoowa, J.
39. Rukhus Khuree.
40. Kurwutee.
41. Hurunwao.
42. Kheempoor.
43. Chandpor, J.
44. Rukhwao.
45. Mugutroo.
46. Khaturdevee.
47. Khurgam.
48. Goondwan.
49. Bulalteeruth.
50. Roondha.
51. Muhoodee.
52. Gangpor Dewah Ranah.
53. Makungur.
54. Deoghuree, J.
55. Limdha.
56. Tarapor.
57. Maldha.
58. Joonwan, J.
59. Keemdoongra.
60. Larkoowa.
61. Choramba, J.
62. Esur.
63. Patawaree.
64. Deoghur.
65. Undharwaree.
66. Kunujwan, J.
67. Dhuj.
68. Dhujamba.
69. Kolkhuree.
70. Loobarwur.
71. Bulettee.
72. Solee.
73. Puterkooee.
74. Jamkooee.
75. Peepulwan.
76. Bhoondha.
77. Amlee.
78. Surapara.
79. Limbaree.
80. Chelwas.
81. Gungapor.
82. Jamunkoowa.
83. Peechurwan.
84. Undhatree.
85. Sursee.
86. Bhensee.
87. Jhuree.
88. Burtul.
89. Sutwao.
90. Oomurkhuree.
91. Gamtulao Khoord.
92. Tursarah Khoord.
93. Kulumkoowa.
94. Khurera.
95. Foolwara.
96. Gordha.
97. Veeadaleeya.
98. Vagnera.
99. Guntolee.
100. Roopun.
101. Vularghur.
102. Saluya.
103. Moreetha.
104. Kaleebel.
105. Toetoee.
106. Regama.
107. Dadakooee.
108. Purwut.
109. Khor Amba.
110. Kalmoee.
111. Patul.
112. Kumlasotee.
113. Kolsanoo.
114. Tooked.
115. Mudhul Kooee, J.
116. Oontewah.
117. Jhab.
118. Choorel.
119. Kusal.
120. Fulee.
121. Pardee.
122. Ambah.
123. Kurwulee.
124. Boudhan.
125. Muthasroo.
126. Vurelee.
127. Patna.
128. Keodyoon.
129. Peepultha.
130. Tukwarah.
131. Oomerwan.
132. Vurod.
133. Nougamah.
134. Kolakooee.
135. Dhurumpor.
136. Togapor.
137. Ooked.
138. Khanpor.
139. Rohenee.
140. Untrolee.
141. Boreegala.
142. Jhurpun.
143. Ureth.
144. Veghee.
145. Nuryn.
146. Guwachee.
147. Khunjrolee.
148. Khaler.
149. Peepureeya, J.
150. Tursara.
151. Jamunkoowa.
152. Vurjakhund.
153. Jhakla.
154. Beerama.
155. Sadree.
156. Rutuneeya.
157. Vuseegam.
158. Naneecher.
159. Mooteecher.
160. Vankiah.
161. Rajwur.
162. Rajpoora Loombha.

A.D. 1848. ACT XI.

AN ACT *for the Punishment of Wandering Gangs of Thieves and Robbers:* PASSED *by the Governor-General of India in Council, on the* 20*th May*, 1848.

WHEREAS it is expedient to extend some of the provisions of the law for the conviction of thugs and dacoits to other gangs of thieves and robbers, it is enacted as follows:

Preamble.

I. Whosoever shall be proved to have belonged, either before or after the passing of this Act, to any wandering gang of persons associated for the purposes of theft or robbery, not being a gang of thugs or dacoits, shall be punished with imprisonment with hard labour for any term not exceeding seven years.

Gang robbers, not being thugs or dacoits, how punishable.

II. Any person accused of the offence of belonging to any such gang as aforesaid, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by any such gang, may be committed by any magistrate within the territories of the East-India Company, and may be tried by any court which would have been competent to try him if his offence had been committed within the zillah where that court sits.

Any magistrate may commit, and any competent court may try gang-robbers, and receivers of plunder taken by them.

III. No court shall, on the trial of any offence under this Act, require any futwa from any law officer.

No futwa required in such cases.

A.D. 1848. ACT XVIII.

AN ACT *for the Administration of the Estate of the late Nawab of Surat, and to continue Privileges to his Family:* PASSED *by the Governor-General of India in Council, on the* 26*th August*, 1848.

WHEREAS it is expedient to provide for the administration of the estate of the late Nawab of Surat, Meer Ufzooloodeen Khan Kusnrood Dowleh Ushmut Jung Bahadoor; and whereas the exemption from the jurisdiction of the civil and criminal courts enjoyed by the said late nawab and his relations and servants, by virtue of the treaty concluded between the East-India Company and the said late nawab on the 13th May, 1800, recognized and confirmed by Clause Second, Section XXI. Regulation II. 1827, and Clause Second, Section I. Regulation XI. 1827, of the Bombay code, ceased at the death of the said late nawab, and it is deemed expedient that some of the said persons should continue to be privileged, it is enacted as follows:

Preamble.

Process not to be issued against heirs of Nawab of Surat without consent of Government.

I. No writ or process shall be sued forth or prosecuted against the person, goods, or property of the several persons named in the schedule annexed to this Act, being the widows and family of the said late nawab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained, such consent to be signified by the signature of one of the secretaries to Government; and any writ or process sued forth or prosecuted against the person, goods, or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

Government to act in the administration of the nawab's property.

II. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature, left by the late nawab of Surat, in regard to the settlement and payment of the debts and claims standing against the estate of the said late nawab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late nawab, shall be liable to be questioned in any court of law or equity.

Limitation of suits against heirs of the nawab.

III. The limitation of time for bringing suits in the civil courts, provided in Regulation V. 1827 of the Bombay code, shall be held, in respect to all persons within the provisions of Clause Second, Section XXI. of the said Regulation II. 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act; subject to this provision, that no suit by or against any of the said persons shall be entertained in any civil court, on account of any cause of action which arose at a time preceding the death of the said late nawab by more than the number of years or months severally limited, with reference to such cause of action, by the said Regulation V. 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

Effect of registry on deeds of the Nawab of Surat, his relations or servants.

IV. Deeds registered under the provisions of any Act passed by the Governor-General of India in Council shall not, on the sole ground of priority of registration, invalidate deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said Clause Second, Section XXI. Regulation II. 1827; provided that such last-mentioned deed relates to property conveyed to the owner before the day of the passing of this Act.

SCHEDULE.

1. Badshah Begum	Widow	Of the late Nawab.
2. Ameerool Nissa Begum	Widow	
3. Meer Juffer Ali	Son-in-law	
4. Zeeaool Nissa Begum	Granddaughter	
5. Ruheemool Nissa Begum	Granddaughter	
6. Meer Moeenoodeen Khan	Buckshee.	
7. Meer Kumroodeen Unlud Shumsooddeen.		

A.D. 1849. ACT I.

AN ACT *to provide more effectually for the Punishment of Offences committed in Foreign States:* PASSED *by the Honourable the President of the Council of India in Council, on the 27th January,* 1849.

Preamble.

WHEREAS divers Regulations of the Bengal, Madras, and Bombay codes have been made, from time to time, for the trial of native subjects of the British Government, committing criminal offences beyond the limits of the British provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof, it is enacted as follows:

Rescissions.

I. The undermentioned Regulations and parts of Regulations are rescinded, that is to say; [Regulation V. of 1809; Regulation VIII. of 1813; Section VI. of Regulation I. and the whole of Regulation IX. of 1822; and Regulation VIII. of 1829, of the Bengal code;—Regulation II. of 1829, and Regulation XII. of 1832, of the Madras code];—Section IV. of Regulation XI. of 1827, of the Bombay code; except so far as any of them rescinds any former Regulation.

Who are amenable to the law for offences committed in foreign states,

and how to be proceeded against.

II. All subjects of the British Government, and also all persons in the civil or military service of the said Government, while actually in such service, and for six months afterwards, and also all persons who shall have dwelt for six months within the British territories under the Government of the East-India Company, subject to the laws of the said territories, who shall be apprehended within the said territories, or delivered into the custody of a magistrate within the said territories, wherever apprehended, shall be amenable to the law for all offences committed by them within the territory of any foreign prince or state; and may be bailed or committed for trial as hereafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence, if it had been committed within the British territories.

Magistrate to report committals to Government.

III. The committing magistrate, immediately, and before the trial, shall report every such case to the Government, and shall obey the orders which he shall receive thereon.

Government to refer the trial to competent court.

IV. The Government may order the trial to be had before one of the established courts of criminal judicature, which would be competent to try the person charged for the offence, if it had been committed within the British territories.

When there is a court in the foreign state administered by Company's officers, the accused may be delivered to that court.

V. When the offence is charged to have been committed in the territory of any foreign prince or state administered by officers acting under the authority of the East-India Company, in which territory a court competent to try the person charged for the offence is established by authority of the Governor-General of India in Council, the Government may order such person to be conveyed in custody, out of the

British territories, for the purpose of delivering him up for trial before such court.

Form of committal.

VI. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of Government can be received and acted on; when he is bailed, the form of the bail-bond shall be, in the first instance, to appear before the magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of Government, and on such subsequent days as the magistrate from time to time shall require; and if Government shall order the person charged to be tried within the presidency, the magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the court appointed for the purpose.

Special order of Government full authority for mode of procedure.

VII. In either case, the special order of the Government shall be deemed full authority, either for the trial and punishment of the person charged within the British territories, or for conveying him in custody out of the British territories, as aforesaid.

Definition of the term "Government."

VIII. The word "Government," as used in the third and following Sections of this Act, means the Governor, or Governor in Council, or other person or persons having supreme executive authority in the presidency or place to which the committing magistrate belongs.

Special delegation of the authority of Government.

IX. The authority hereinbefore given to the Government may be also exercised by any commissioner or other person acting in the civil service of the East-India Company, to whom the Governor-General in Council shall have delegated authority to receive reports and give orders in cases within this Act.

A.D. 1849. ACT II.

AN ACT *to abolish the Practice of Branding and Exposing Convicts:* PASSED *by the Honourable the President of the Council of India in Council, on the 27th January,* 1849.

Preamble.

WHEREAS it is thought fit to abolish wholly the practice of branding and publicly exposing convicts throughout the territories under the Government of the East-India Company, it is enacted as follows:

Rescissions.

I. [Section XI. Regulation IV. 1797; Section XXXV. Regulation VII. 1803; and Clauses Second, Third, and Fourth, Section XII. Regulation XVII. 1817, of the Bengal code; Section XXXV. Regulation VII. 1802, of the Madras code; and so much of Clause First, Section III. Regulation II. of 1807, and of Sections IX. and X. Regulation XVII. of 1817, of the Bengal code; so much of Section III. Regulation VI. of 1811; and Sections V. VI. Regulation II. of 1822, of the Madras code]; and all other Regulations or parts of Regulations, in force,

directing that any convicted offenders shall have any indelible mark made upon their foreheads, or on any part of their persons, or authorizing any sentence of public exposure, commonly called Tusheer, and so much of Chapter II. Regulation XIV. of 1827, of the Bombay code, as authorizes any sentence of public disgrace, are rescinded.

Courts not to pass sentences of branding, marking, or publicly exposing convicts.

II. After the passing of this Act it shall not be lawful for any court or magistrate within the territories under the government of the East-India Company to order that any brand or indelible mark of any kind be made or renewed on any part of the person of any convicted offender, or to sentence any offender to be publicly exposed by Tusheer, or to any other degrading exposure.

A.D. 1849. ACT IV.

AN ACT *for the Safe Custody of Criminal Lunatics:* PASSED *by the Honourable the President of the Council of India in Council, on the* 10*th February,* 1849.

Preamble.

WHEREAS it is expedient to declare what unsoundness of mind excuses the commission of criminal acts, and to provide for the safe custody of persons found to have committed such acts, but acquitted by reason of unsoundness of mind, it is enacted as follows:

Definition of "unsoundness of mind," on finding which courts may acquit prisoner.

I. No person who does an act which, if done by a person of sound mind, is an offence, shall be acquitted of such offence for unsoundness of mind, unless the court or jury, as the case may be, in which, according to the constitution of the court, the power of conviction or acquittal is vested, shall find that, by reason of unsoundness of mind, not wilfully caused by himself, he was unconscious, and incapable of knowing at the time of doing the said act, that he was doing an act forbidden by the law of the land.

Special verdict or judgment to be passed when prisoner is declared of unsound mind.

II. Whenever a person charged with any offence shall be acquitted because he is within the exception made by the foregoing section, the court or jury shall give a special judgment or verdict, that he did the act charged against him, being then of unsound mind, so as to excuse him according to law.

Prisoner to be kept in custody.

Government to pass orders for his detention.

III. Whenever such special judgment or verdict, as aforesaid, shall have been given against any person, the court before which the trial was had shall order him to be kept in safe custody, in such place and manner as to the court shall seem fit, until the pleasure of the Government can be known thereon: and thereupon the Government may order such person to be kept in strict custody, for such time and in such manner as to the Government shall seem fit.

Persons of unsound mind acquitted of offences before the passing of this Act, how to be detained.

IV. In all cases in which, before the passing of this Act, any person has been acquitted of any offence, on the ground of insanity, lunacy, idiocy, or unsoundness of mind, such person may be kept in the same strict custody in which persons may be kept, who shall be hereafter acquitted, for unsoundness of mind.

Not to be discharged from custody except under orders of Government.

V. No person against whom any such special judgment or verdict shall have been given shall be entitled to be discharged out of custody on being restored to soundness of mind, unless by order and at the discretion of the Government.

Convicts of unsound mind, how may be removed to lunatic asylum,

and sent back again on becoming sane.

VI. Whenever it shall appear to the Government that any person, imprisoned by the sentence of any court, is of unsound mind, the Government, by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a lunatic asylum or other fit place of safe custody, there to be kept and treated as the Government shall order; and when it shall appear to the Government that such prisoner has become of sound mind, the Government, by a warrant directed to the person having charge of him, shall remand such prisoner to the prison from which he was removed, if then still liable to be kept in custody; or if not, shall order him to be discharged out of custody.

Definition of the term "Government."

VII. The word "Government" in this Act shall be taken to mean the Governor, or Governor in Council, or other person or persons administering the government of the presidency or place where the trial is had.

A.D. 1849. ACT V.

AN ACT *for better defining the Duties of Customs and Excise:* PASSED *by the Honourable the President of the Council of India in Council, on the 3rd March,* 1849.

Preamble.

WHEREAS under the Regulations in force for taking a duty of twenty Spanish dollars for each and every leaguer of arrack or Asiatic rum imported into and intended for consumption within Prince of Wales' Island, Singapore, and Malacca, doubts have arisen whether any duty may be taken on importation of a quantity less than a leaguer, and it is expedient that such doubts be removed, and that the meaning of all such or the like expressions in any Regulation or Act for the levy of custom or excise duties within the territories under the Government of the East-India Company be plainly declared, it is declared and enacted as follows:

Duties to be levied proportionably on all quantities of goods.

I. Whenever by any Regulation or Act now or hereafter to be in force, not containing any direction to the contrary, a certain duty of customs or excise, or in the nature thereof, is leviable on any given

quantity, by weight, measure, or value, of any goods or merchandise, a like duty is leviable according to the same rate on any greater or less quantity.

A.D. 1849. ACT VI.

AN ACT *for securing Military and Naval Pensions and Superannuation Allowances:* PASSED *by the Honourable the President of the Council of India in Council, on the* 17*th March*, 1849.

WHEREAS it is expedient to consolidate and extend the operation of the law as to the exemption of military and naval pensions, and other superannuation allowances, from seizure under process of law, it is enacted as follows: Preamble.

I. Regulation XII. of 1814 of the Bengal code, and Act XXXI. 1845, are repealed. Rescissions.

II. The reduced pay or pension, however called, of any invalid officer, soldier, sailor, or retainer of the army or navy, in the military or naval service of the East-India Company, and also any monthly or yearly pension, or pecuniary allowance to any person, in consideration of past services and present infirmities, or old age, granted by authority of the Governor-General in Council, or of the Governor or Governor in Council, or Lieutenant-Governor, of any presidency or place within the territories under the Government of the East-India Company; and also the pension of any out-pensioner of Chelsea or Greenwich Hospital, granted by authority of the Commissioners of Chelsea or Greenwich Hospital respectively, and also all money due or to become due on account of any such pension or allowance, shall be exempt from seizure, attachment, or sequestration by process of any court within the said territories, at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such court. Pensions granted by authority of Government exempted from process of courts.

III. All assignments, agreements, orders, sales, and securities of every kind made by any such pensioner, in respect of any money not payable at or before the making thereof, on account of any such pension, or for giving or assigning any future interests therein, are null and void. Assignments and transfers of pensions null and void.

IV. This Act shall not apply to any process of any court established by royal charter, issued out of such court before the passing of this Act, or to any assignment, agreement, order, sale, or security by any such pensioner, made before the passing of this Act in respect of a Chelsea or Greenwich pension, or a pension or allowance granted in the presidency of Madras; or before the 27th December, 1845, in respect of a pension or allowance granted in the presidency of Bombay; or before the 27th May, 1814, in respect of a pension or allowance granted in the presidency of Bengal. Application of this Act.

A.D. 1849. ACT XII.

AN ACT *for improving the Jurisdiction of the Sudder Adawlut of Bombay, and for amending Section XXXVI. Regulation II.* 1827, *of the Bombay Code:* PASSED *by the Honourable the President of the Council of India in Council, on the* 11*th August,* 1849, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

WHEREAS the jurisdiction of the Sudder Adawlut of the presidency of Bombay has been impaired by its removal to the island of Bombay, within the jurisdiction of the Supreme Court of Judicature there, for remedy thereof, it is enacted as follows:

Authority of the Sudder Adawlut to be the same as if held in the adjacent zillah.

I. The Sudder Adawlut of the presidency of Bombay, and the several officers thereof, shall have the same authority in all respects, and all persons may be proceeded against and punished for contempt or disobedience of the lawful orders of the court, or for resistance to the lawful authority of any officer in execution of any process or order of the court, as if the court were held in the zillah nearest to the island of Bombay.

Acts and orders of the Sudder Adawlut not more liable to question in the Supreme Court.

II. The acts and orders of the said Sudder Adawlut, and of its officers, in execution of any process or order of the court, shall not be liable to question in the Supreme Court of Judicature at Bombay, further or otherwise than they might severally be questioned in the said Supreme Court, if the said Sudder Adawlut were held in the zillah nearest to the island of Bombay.

Power of arrest and committal of persons accused under Section xxxvi. Regulation II. 1827.

III. Any criminal court having cognizance of any offence under Section XXXVI. Regulation II. 1827, of the Bombay code, may issue a warrant under the hand of the judge, or one of the judges, and the seal of the court, for the arrest of the person accused; and may commit him to gaol unless security be given to the satisfaction of the court for his appearance to answer the charge.

Offenders against Section xxxvi. Regulation II. 1827, may be tried after leaving the establishment of the court.

IV. Offenders against Section XXXVI. Regulation II. 1827, of the Bombay code, may be tried and punished for the offence, after they have ceased to belong to the establishment of the court to which they belong at the time of committing the offence.

A.D. 1849. ACT XIV.

AN ACT *to punish tampering with the Army or Navy:* PASSED *by the Honourable the President of the Council of India in Council, on the 25th August,* 1849, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

WHEREAS the laws in force for punishing mutiny and sedition do not sufficiently provide for the punishment of all persons endeavouring to stir up mutiny and sedition among the forces of the East-India Company, or to seduce them from their allegiance and duty, it is enacted as follows:

Punishment for seducing military or naval persons from their allegiance, or for exciting mutiny or sedition.

I. Every person who maliciously and advisedly endeavours to seduce any person or persons serving or engaged to serve in the military or naval forces of the East-India Company, from his or their allegiance to her Majesty, or duty to the said Company, or who endeavours to stir up any person or persons belonging to either of the said services, to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, shall, on conviction, suffer transportation for life, or imprisonment, with or without hard labour, for any term not longer than seven years, as the court shall adjudge.

Committal and trial of persons charged with offences under this Act.

II. Any person charged with any offence punishable under this Act, may be committed by any magistrate within the territories under the Government of the East-India Company, and shall be tried by the Court of Sessions, or if the offender be not within the ordinary jurisdiction of the Court of Sessions, by the Supreme Court of Judicature established by royal charter within the presidency in which he is in custody.

No futwa required.

III. No court shall, on trial of any offence under this Act, require any futwa from any law officer.

Provisions of this Act not to exempt from trial by court-martial.

IV. This Act shall not exempt any person governed by the Articles of War from being tried by a court-martial, and punished according to the Articles of War, nor any person belonging to the Indian Navy from being tried by a court-martial, and punished according to the laws for the observance of discipline in the Indian navy; but no person shall be tried for the same offence under the said Articles or laws, and also under this Act.

A.D. 1849. ACT XV.

AN ACT *to amend the Law respecting the Stamped Material in use in the Presidency of Bombay:* PASSED *by the Honourable the President of the Council of India in Council, on the 26th of October,* 1849, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

WHEREAS it is inconvenient to specify particularly by law the stamped materials to be used in the presidency of Bombay, it is enacted as follows:

Repeal.

I. Clause First, Section VI. Regulation XVIII. 1827, of the Bombay code, is repealed.

A.D. 1850. ACT V.

AN ACT *for Freedom of the Coasting Trade of India:* PASSED *by the Governor-General of India in Council, on the 8th of March,* 1850.

Preamble.

WHEREAS by an Act of Parliament passed in the thirteenth year of the reign of her Majesty, intituled "An Act to amend the Laws in force for the Encouragement of British Shipping and Navigation," it is enacted with regard to the coasting trade of India, that it shall be lawful for the Governor-General of India in Council to make any regulations authorizing or permitting the conveyance of goods or passengers from one part of the possessions of the East-India Company to another part thereof, in other than British ships, subject to such restrictions or regulations as he may think necessary, it is enacted as follows:

Goods and passengers may be conveyed in other than British ships.

I. Goods and passengers may be conveyed from one part of the territories under the Government of the East-India Company to another part thereof, in other than British ships, without any restriction, other than is or shall be equally imposed on British ships, for securing payment of duties of customs or otherwise.

A.D. 1850. ACT VI.

AN ACT *for enabling the Commander-in-Chief to Pardon Military Offences:* PASSED *by the Governor-General of India in Council, on the 15th of March,* 1850.

Preamble.

WHEREAS the power of pardoning persons under the sentence of a court-martial, for offences which are not punishable by any other authority, may be entrusted to the Commander-in-Chief of the military forces in the service of the East-India Company in each presidency, but in all other cases ought to belong only to the Supreme Government, it is enacted as follows:

Commander-in-Chief may pardon convicts, or remit part of sentence.

I. The Commander-in-Chief of the military forces in the service of the East-India Company in each presidency shall have power to pardon any person belonging to the said forces, convicted by sentence of a court-martial of any offence against the Articles of War framed for the government of the native officers and soldiers in the military service of the East-India Company, which, wherever committed, is not punishable otherwise than by sentence of a court-martial; or, instead of granting a full pardon to any such person, may remit any part of the punishment awarded for such offence.

Warrant to be issued.

II. In such cases, the Commander-in-Chief shall issue a warrant under his hand, setting forth the offence, and a copy of the warrant or other instrument by which the offender is kept in custody in execution of the sentence, and pardoning or remitting such part of the punishment awarded for the offence as to him shall seem fit.

and countersigned by magistrate or judge.

III. The said warrant shall be countersigned by the magistrate of the zillah or city in which the offender is undergoing his sentence; or if he is confined in any prison belonging to one of the Supreme Courts of Judicature established by royal charter, shall be countersigned by a judge of such court, if it shall appear to such magistrate or judge that the offence, wherever committed, is not punishable by any authority other than that of a court-martial, but not otherwise.

Authorities in charge of jails to give effect to

IV. All sheriffs, gaolers, and other persons having custody of any offender under sentence of a court-martial, shall obey and give effect to any warrant of the Commander-in-Chief, countersigned by a magistrate, or judge of the Supreme Court as aforesaid, for the pardon and release of any offender in their custody respectively, or for the remission of any part of his sentence.

A.D. 1850. ACT VII.

AN ACT *for better defining the Law as to the Removal of Prisoners:* PASSED *by the Governor-General of India in Council, on the* 15*th of March,* 1850.

Preamble.

WHEREAS, by the Regulations in force, prisoners may in certain cases be removed from one prison to another by special order of the Nizamut Adawlut or Foujdary Adawlut, and in other cases by the Governor or Governor in Council of the presidency; and it is expedient that the Government should be empowered to direct such removal, in every case which appears necessary, without application to the court for a special order, it is enacted as follows:

Repeal.

I. Act VIII. 1844, is repealed.

Government may order removal of prisoners to another place of confinement.

II. When any person is under sentence of imprisonment, within the territories under the Government of the East-India Company, by any authority other than that of one of the Supreme Courts of Judicature established by royal charter, the Governor or Governor in Council, or other person administering the Government of the presidency or place, may order the removal of such prisoner from the prison or place in which he is confined, to any other public prison or place of confinement within the same presidency or Government.

Time of removal included in the term of imprisonment.

III. The time of removal from one prison to another, or while the prisoner is in custody under such warrant of removal, shall reckon as part of his imprisonment.

A.D. 1850. ACT X.

AN ACT *to declare Aden a free Port:* PASSED *by the Governor-General of India in Council, on the* 15*th of March,* 1850.

Preamble.

WHEREAS the trade between the western coast of India and the Red Sea, and places thereunto adjacent, will be improved by encouraging the resort of vessels of all nations to the port of Aden in Arabia, it is declared and enacted as follows:

Aden a free port,—no customs duty payable.

I. The port and settlement of Aden in Arabia is a free port and settlement; and no duty of customs is payable there on any ship or other vessel, or on any goods lawfully carried by sea or land to or from the said port and settlement.

Act VI. 1848, not to extend to Aden.

II. The said port of Aden shall not be taken to be within the provisions of Act VI. 1848.

A.D. 1850. ACT XI.

AN ACT *to amend Act X.* 1841: PASSED *by the Governor-General of India in Council, on the* 15*th March*, 1850.

FOR amendment of Act X. 1841, it is enacted as follows: Preamble.

I. Section XIII. of Act X. 1841, is repealed. Repeal.

II. The passes which, under Section XXIV. of the said Act, may be issued for conferring the privileges and advantages of a British ship, in certain cases, to any ship or vessel built within the dominions of a native prince or state in subordinate alliance with, or having subsidiary treaties with the East-India Company, may, after the passing of this Act, be issued in the like cases, and under the same restrictions, to any ship or vessel belonging to any such native prince or state, or their subjects, wherever the same may have been built. Passes may be issued for ships belonging to native princes wherever built.

III. All ships or vessels, of whatever rig and of whatever tonnage, owned by British subjects, entitled to registry under Act X. 1841, or owned by such native princes or states, or by their subjects entitled to passes under Act X. 1841, as amended by this Act, employed only in coasting voyages, or between any port of the continent of India and the island of Ceylon, may be registered and obtain passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Governor or Governor in Council of each presidency. How vessels employed only in coasting-trade may be registered and obtain passes.

IV. The owners of coasting vessels, registered under Section III. of this Act, shall pay for each certificate of registry, Fees for certificate of registry.

For a vessel not exceeding the burthen of four tons, one rupee,
Exceeding four tons and not exceeding twenty tons, five rupees,
Exceeding twenty tons and not exceeding eighty tons, seven rupees,
Exceeding eighty tons, for each ton, two annas.

Which fees shall be carried to the credit of the Government of the presidency in which they are levied.

V. This Act shall be construed with and as part of Act X. 1841. Construction of this Act.

A.D. 1850. ACT XII.

AN ACT *for avoiding Loss by the Default of Public Accountants:* PASSED *by the Governor-General of India in Council, on the 22nd March,* 1850.

Preamble.

FOR better avoidance of loss through the default of public accountants, it is enacted as follows:

Public accountants to give security:

I. Every public accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or control, by reason of his office.

Rule to fix its amount and kind.

II. In default of any Act having special reference to the office of any public accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties (regard being had to the nature of the office) as shall be required by any rules made or to be made from time to time, by the authority by which each public accountant is appointed to his office, subject to the approval of the Governor or Governor in Council of the presidency or place.

Who are to be deemed public accountants.

III. Every person is a public accountant within the meaning of this Act, who, by reason of any office held by him in the service of the East-India Company, is entrusted with the receipt, custody, or control of any moneys or securities for money, or the management of any lands belonging to the East-India Company, or as official assignee or trustee, or as surberakar, or in any other official capacity, with the receipt, custody, or control of any moneys or securities for money, or the management of any lands belonging to any other person or persons.

Proceedings against public accountants for recovery of loss or defalcation.

IV. The person or persons at the head of the office to which any public accountant belongs may proceed against any such public accountant and his sureties, for any loss or defalcation in his accounts, as if the amount thereof were an arrear of land revenue due to Government.

Regulations and Acts for recovery of arrears of revenue applicable to proceedings against them.

V. All Regulations and Acts now or hereafter to be in force for the recovery of arrears of land revenue due to Government, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such public accountant.

Summary sales of estates previous to this Act in satisfaction of security-bonds to be deemed valid so far as they are in accordance with its provisions.

VI. All sales of estates, summarily sold before the passing of this Act, in satisfaction of the security bonds of any public accountants within the meaning of this Act, shall be deemed as good and valid, and be as liable to be reviewed and annulled, as if such estates had been sold under authority of this Act, and no further or otherwise.

A.D. 1850. ACT XIII.

AN ACT *for Punishing Breaches of Trust:* PASSED *by the Governor-General of India in Council, on the 22nd March,* 1850.

FOR the punishment of breaches of trust, it is enacted as follows:

Preamble.

I. Every person employed in the public service of her Majesty, or of the East-India Company, and entrusted, by reason of such employment, with the receipt, custody, or control of any chattel, money, or valuable security, who shall embezzle the same, or any part thereof, or in any manner fraudulently apply, use, or dispose of the same, or any part thereof, for any purpose other than a purpose to which the same is applicable under the trust reposed in him, shall be deemed to have feloniously stolen the same.

Public servants embezzling or fraudulently disposing of property entrusted to them, to be deemed to have feloniously stolen the same.

II. All official trustees, assignees, and receivers of money, by virtue of their several offices or appointments; all justices of the peace, coroners, and other persons, receiving by virtue of their offices or appointments any fines, forfeitures, penalties, or other moneys, on behalf of her Majesty or of the East-India Company; all sheriffs, under-sheriffs, bailiffs, officers, and other persons employed to levy money in execution of the judgment or order of any court, or in receiving any taxes or other moneys directed to be levied by any Regulation of the Governor or Governor in Council of any presidency or place, or by any Act of the Governor-General of India in Council, and also all subordinate officers and servants employed in the office or service of any of the persons hereinbefore enumerated, and entrusted with money in the course of such employment, are declared to be persons employed in the public service within the meaning of this Act; but this special enumeration of some of the persons included in the general description of persons in the public service of her Majesty or the East-India Company shall not be taken to abridge the meaning of that general description.

Enumeration of certain public servants subject to this Act.

III. The clauses respectively numbered XCIX., C., CI., CII., CIII., and CIV., in an Act of Parliament passed in the ninth year of the reign of King George the Fourth, intituled "An Act for improving the Administration of Criminal Justice in the East Indies," are repealed, except as to all things done or forborne to be done before the passing of this Act.

Repeal of certain clauses of 9 Geo. IV. cap. 72.

IV. Every clerk or servant, who shall steal any chattel, money, or valuable security, belonging to, or in the possession or power of his master, shall be punishable in the same manner as persons convicted of felonious stealing under this Act.

Clerks and servants punishable under this Act for stealing from their masters.

V. Every clerk or servant, or any person employed for the purpose, or in the capacity of a clerk or servant, who shall, by virtue of such employment, receive or take into his possession any chattel, money, or valuable security, for, or in the name, or on the account of his master, and who shall fraudulently embezzle the same or any part thereof, shall be deemed

Clerks and others embezzling property received on their master's account, to be deemed to have feloniously stolen the same.

to have feloniously stolen the same from his master, although such chattel, money, or security was not received into the possession of his master, otherwise than by the actual possession of his clerk, servant, or other person so employed.

Responsibility of members of trading companies, bankers, merchants, brokers, attorneys, and other agents, for fraudulent disposal of property entrusted to them.

VI. Every member and officer of a trading corporation or company, and also every banker, merchant, factor, broker, attorney, or other agent, whether he be commonly so employed, or be employed as an agent in that instance only, and whether he act as such agent gratuitously or otherwise, to whom any chattel, money, or valuable security is entrusted for safe custody, or for any special purpose, and whether with or without any authority to sell, negotiate, pledge, or employ the same, but with an authority limited to some defined purpose as to the application of such money, chattel, or valuable security, or of any part thereof, or of the proceeds or of any part of the proceeds thereof, who shall fraudulently apply, use, or dispose of the same or any part of the proceeds thereof, for any purpose other than a purpose for which the same was entrusted to him, shall be deemed to have feloniously stolen the same.

Responsibilities of sub-agents, clerks, and servants, of the above.

VII. Every sub-agent, clerk, or servant of any such trading corporation or company, or of any banker, merchant, factor, broker, or other agent as aforesaid, who, knowing the purpose for which such chattel, money, or valuable security was entrusted to the corporation, company, person, or persons, by whom he is employed, shall fraudulently apply, use, or dispose of the same, for any purpose other than a purpose for which the same was entrusted to his employer or employers, shall be deemed to have feloniously stolen the same, though he were not himself immediately employed or entrusted with the disposition thereof by the person entitled thereto.

Embezzlement or fraudulent disposal of property held under any trust, to be deemed feloniously stealing.

VIII. Every person possessed, or having the receipt, custody, or control of any chattel, money, or valuable security, in trust for any other person or persons, who shall embezzle the same or any part thereof, or in any manner fraudulently apply, use, or dispose of the same, for his own use or benefit, in breach of the trust reposed in him, shall be deemed to have feloniously stolen the same.

Punishment for feloniously stealing under this Act.

IX. Every person convicted of having feloniously stolen any chattel, money, or valuable security under this Act, shall be liable to be transported out of the territories under the Government of the East-India Company for life, or to be imprisoned, with or without labour, for any term not exceeding seven years.

What instruments to be deemed valuable security within the meaning of this Act.

X. Every instrument entitling or showing the title of any person to any share or interest in any public stock or fund of any country or state, or in any stock of any corporation or company, or for the transfer of any such share or interest, or for the receipt of any dividend or interest on any such share, or entitling or showing the title to any deposit in any bank, and every warrant, order, or instrument for the payment of any money on any event, certain or contingent, or for the delivery or receipt of any goods or merchandize on any such event, is a valuable security within the meaning of this Act.

XI. Any offender under this Act may be proceeded against on the same charge for any number of distinct acts of embezzlement or fraudulent application, use, or disposition as aforesaid, committed by him within six calendar months from the first to the last of such acts; and proof of gross deficiency in the accounts of any such trustee or public servant shall be evidence of the offence charged, until such deficiency is otherwise explained.

Offenders may be proceeded against for each distinct act of embezzlement; what is to be deemed proof.

XII. If the offence relates to money or to any bank note, bank post bill, banker's cheque, bill of exchange, promissory note, Government paper, or other like security for the payment of money, it shall be enough in the indictment or charge to allege the embezzlement or fraudulent application, use, or disposition of money, without specifying any particular coin or valuable security; and such allegation shall, so far as regards the kind of property, be sustained, if the offender is proved to have embezzled or fraudulently applied, used, or disposed of any amount of money or any valuable security, though the particular kind of coin or valuable security of which such amount was composed, shall not be proved.

What form of indictment or charge is sufficient if the offence relates to money, or securities for payment of money.

XIII. It shall not be necessary, in any proceeding against any offender under this Act, to declare the person to whom the property embezzled or fraudulently applied or disposed of belongs otherwise than hereinafter provided, or to give any other description of it than by stating its general character according to the provisions of this Act; and if the offence be that of embezzlement or fraudulent application, use, or disposition, by a person in the public service of the Crown, or of the East-India Company, of property entrusted to him by reason of such employment, or part thereof, it shall be enough to state that the defendant was in such service, and that he received the property by reason of such employment, and embezzled the same, or part thereof, or fraudulently applied, used, or disposed of the same, as the case may be; and, if the case be one of fraudulent application, use, or disposition by any person not being such public servant, but entrusted as aforesaid, it shall be enough to state that such person was entrusted with the property (describing its general character as aforesaid), and it shall be enough to state shortly the purpose of the trust, and that he fraudulently applied, used, or disposed of the same contrary to his duty in that behalf.

What description of the owner, and of the property embezzled or fraudulently applied, of, sufficient under this Act.

XIV. The court before which any offender is tried under this Act, shall have power upon the trial to make any amendments that may be necessary, by reason of any variance between the statements of the charge and the evidence, either in the description of the property, or of any person, or of any office, appointment, or employment, or of the purpose of the trust or otherwise, when in the opinion of the court the person charged cannot have been misled as to his defence by such imperfect or erroneous statement.

Power of court to

XV. Every offender under this Act may be tried and punished by any court of competent jurisdiction, either in the place where he is in custody, or where he committed the offence.

Any court of competent jurisdiction may try.

XVI. The punishment of any offender under this Act shall not be

Punishment of offenders under this Act

not to lessen the liability of himself or sureties to make good losses.

deemed to take away or lessen his liability, or the liability of his sureties, to make good any loss sustained by her Majesty, or the East-India Company, or any other person or persons, by his misbehaviour or breach of trust.

Punishment for rendering false accounts, though no embezzlement be proved.

XVII. Every person charged with a felonious breach of trust under this Act, who shall be proved to have knowingly made up or furnished false statements or accounts of the sums of money received or paid by him or entrusted to his care, or of the goods or balance of money in his custody or control, shall be liable to fine in the discretion of the court, although no actual embezzlement or fraudulent application, use, or disposition of trust, moneys, chattels, or valuable securities is proved against him, and in addition to such fine may be imprisoned, with or without labour, as the court shall adjudge, for any term not exceeding one year; but no person convicted of felonious breach of trusts as aforesaid shall be punished also for making up false accounts in connection with the same breach of trust.

A.D. 1850. ACT XVI.

AN ACT *for Restitution of the Value of Stolen Property*: PASSED *by the Governor-General of India in Council, on the 4th of April*, 1850.

Preamble.

WHEREAS it is expedient that the several Criminal Courts within the territories under the Government of the East-India Company be empowered to add the punishment of fine to the punishments already provided for persons convicted before them of certain offences respecting property, and to apply the same for the benefit of those who have suffered by such offences, it is declared and enacted as follows:

Fine not exceeding in amount the property stolen may be inflicted,

I. All Criminal Courts within the said territories may add to the punishment competent to them to inflict upon persons convicted before them of robbery, theft, embezzlement, knowingly receiving stolen goods, cheating, or other wrongful appropriation of property, or of being accessory or privy to any such offence, the punishment of fine not exceeding the loss appearing to be caused to the several persons who have suffered by such wrong; and may pay and distribute the proceeds of the said fine, or any part thereof, to or for the benefit of the said several persons, according to the discretion of the court.

and may be paid to parties injured.

Enforcement of fines.

II. Payment of every such fine may be enforced by distress and sale, under the order of the court, of the goods of the offender.

A.D. 1850. ACT XVII.

AN ACT *for taking Land in Bombay and Colaba for public Purposes:* PASSED *by the Governor-General of India in Council, on the 4th April,* 1850.

FOR enlarging the powers of Act XXVIII. 1839, for taking any ground within the islands of Bombay and Colaba, for any new public road or thoroughfare, for the purpose of enabling the Government to take land needed for any railway for the conveyance of goods or passengers within the said islands, the construction of which may be sanctioned by Parliament or by the Government of India, and for other public purposes, it is enacted as follows: Preamble.

I. Sections XV. to XXI., both inclusive, of Act XXVIII. 1839, shall extend to enable the Court of Petty Sessions, with the sanction of the Governor of Bombay in Council, to take any ground or building within the islands of Bombay and Colaba, which may be needed by the Governor of Bombay in Council for any railway for the conveyance of goods or passengers, the construction of which is or shall be sanctioned by Parliament, or by the Government of India, or for any other purpose which shall be declared to be a purpose of public utility by the said Governor in Council; and thereupon the East-India Company shall become and be the legal owners of the said ground or building, and every other person theretofore interested in the premises shall be divested of all right, title, and interest to and in the same. Sections xv. to xxi. of Act XXVIII. 1839, extended to cases in which land or buildings are required for railways.

A.D. 1850. ACT XVIII.

AN ACT *for the Protection of Judicial Officers:* PASSED *by the Governor-General of India in Council, on the 4th April,* 1850.

FOR the greater protection of magistrates and others acting judicially, it is enacted as follows: Preamble.

I. No judge, magistrate, justice of the peace, collector, or other person acting judicially shall be liable to be sued in any Civil Court, for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: provided that he at the time in good faith believed himself to have jurisdiction to do or order the act complained of: and no officer of any court, or other person bound to execute the lawful warrants or orders of any such judge, magistrate, justice of the peace, collector, or other person acting judicially, shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same. Judicial officers not liable to be sued for acts done in the discharge of their duty.

A.D. 1850. ACT XIX.

AN ACT *concerning the Binding of Apprentices:* PASSED *by the Governor-General of India in Council, on the* 11*th April,* 1850.

Preamble.

FOR better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts, and employments, by which, when they come to full age, they may gain a livelihood, it is enacted as follows:

Age at which children may be bound, and term of apprenticeship.

I. Any child, above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft, or employment, for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female, beyond the time of her marriage.

Age set forth in contract to be evidence.

II. The age set forth in the contracts shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

Magistrates and justices of the peace may act as guardians in certain cases.

III. Any magistrate or justice of the peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him, or any other magistrate, of vagrancy, or the commission of any petty offence.

Charity children may be bound by governors, &c. of institution.

IV. An orphan or poor child, brought up by any public charity, may be bound apprentice by the governors, directors, or managers thereof, as his or her guardians for this purpose.

How boys may be bound for sea-service in private vessels,

V. Any such boy may be bound as an apprentice in the sea service to any of her Majesty's subjects, being the owner of any registered ship belonging to and trading from any port in the territories under the Government of the East-India Company, which has been declared to be a registering port under Act X. 1841, to be employed in any such ship the property of such person, commanded by a British subject, and, while so employed, to be taught the craft and duty of a seaman.

and in the Company's vessels.

VI. Any such boy may be bound in like manner for sea service in any ship of the East-India Company belonging to any such port, commanded by a British subject, in which case the contract shall be made with the master attendant at such port, or any officer appointed to represent the East-India Company in this behalf, who shall appoint the ship in which such apprentice is to serve from time to time.

Commander of ship to be deemed the agent of the party taking the apprentice.

VII. The master or commander of any ship in which an apprentice bound to the sea service shall be appointed to serve by the party to whom he is bound, shall be deemed the agent of such party for the purpose of this Act.

VIII. Every contract of apprenticeship shall be in writing, according to the form given in the Schedule (A) annexed to this Act, or to the like effect, which shall set forth the conditions agreed upon, particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

Forms and conditions of contract of apprenticeship.

IX. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding; but, when the apprentice is bound by the governors, directors, or managers of a public charity, the signature of two of them, or of their secretary or officer, shall be sufficient on behalf of the persons binding the apprentice.

By whom the contract is to be signed.

X. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the chief magistrate of the place or district where it has been executed, or if the apprentice is bound to the sea service, in the office of the person appointed under Act X. 1841, to make registry of ships at the port where the apprentice is to begin his service; and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the handwriting of the magistrate or registering officer.

Where contract is to be deposited;

certified copies to be given to parties, and received as evidence.

XI. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract, or their personal representatives, and with the consent of the apprentice, if he is above the age of fourteen years; provided that the changes agreed to, or the termination of the contract, shall be expressed in writing on the original contract, with the signature of the proper parties according to Section VIII. of this Act; and the magistrate or registering officer shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

How the terms of service may be changed or contract determined.

XII. The master of any apprentice bound under this Act may, with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person who is willing to take him for the residue of his apprenticeship, and subject to the conditions thereof; provided that such person shall, by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively: and every such assignment shall be certified on the office copies of the contract under the hand of the magistrate or registering officer, according to the form given in Schedule (B) annexed to this Act.

How and when apprentices may be transferred by assignment.

XIII. Upon complaint made to any magistrate in the said territories, by or on behalf of any apprentice bound under this Act, of refusal or

Magistrates may investigate complaints against masters.

neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master, or by the agent under whom he shall have been placed by his master, the magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not (service of the summons being proved), may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium, or a less premium than Rs. 50 was paid, not exceeding Rs. 200; and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels; and if the offender shall not be the master, but his agent, by distress and sale of the goods and chattels of the master also.

May cancel contract and levy penalty from master.

Moderate chastisement may be inflicted; but masters are liable to criminal proceedings for assaults or other offences.

XIV. No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceedings, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child; and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child; whether or not any proceedings be taken for cancelling the contract of apprenticeship.

Powers of magistrates upon receiving complaints against apprentices.

XV. Upon complaint made to any magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtors' prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the magistrate shall order; and, if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped; or, if the offender be a girl, or in the case of any boy the magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, or on board the vessel to which he belongs, upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

In what cases magistrate may cancel contract.

XVI. Upon complaint of wilful and repeated ill-behaviour on the part of the apprentice, and on the demand of the master, the magistrate may order the contract of apprenticeship to be cancelled, whether or not the

charge is proved; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved; and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the magistrate for behoof of the apprentice.

Refund of premium.

XVII. The magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

Magistrates, how to dispose of sums recovered for apprentices.

XVIII. No magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; or, if the cause of complaint arose on board ship during a voyage, within one month after the arrival thereof at a port or place in the said territories; and no magistrate shall entertain a complaint on the part of an apprentice against his master, or the agent of his master, under this Act, unless it be brought within three months after the cause of complaint arose; or if the cause of complaint arose on board ship during a voyage, within three months after the arrival thereof at a port or place in the said territories.

Limitation of complaints.

XIX. If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the executors or administrators out of the estate of the deceased, to the person or persons who shall have paid the same; unless the executors or administrators of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

Provision on the death of a master.

XX. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the executors and administrators on the original contract of apprenticeship; and also on the office copies thereof, by the magistrate or registering officer; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

Rules to be observed when executors retain an apprentice.

XXI. Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months from and after the death of his master, out of the assets left by him; provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the executors or administrators of such master, or such person as they shall appoint.

Apprentices entitled to maintenance for three months after death of master.

Apprentices discharged from obligation on bankruptcy or insolvency of master. Premium to be a debt against the estate.

XXII. The apprentice of any person against whom a commission of bankruptcy shall be issued, or who shall be adjudged to have committed an act of insolvency, during the apprenticeship, shall be discharged from all obligation under the contract of apprenticeship; and, if any premium was paid on binding him as an apprentice, he or the person by whom he was bound shall be entitled to claim the amount thereof, as a debt against the estate of the bankrupt or insolvent.

British subjects and all other persons subject to the Company's courts in respect of this Act.

XXIII. For the purposes of this Act, all British subjects, wherever or of whatever parents born, as well as other persons in the territories under the Government of the East-India Company, without the towns of Calcutta and Madras, and the town and island of Bombay, shall be amenable to the jurisdiction of the courts and magistrates of the East-India Company.

Appeals from orders of magistrates to session judges.

XXIV. An appeal shall lie from any order passed by any magistrate without the said towns and island to the Court of Session to which such magistrate is subordinate, provided the appeal is made within one month from the date of the order.

Construction of certain terms.

XXV. In this Act the words "master," "owner," "person," and the pronoun "he" shall be understood to include several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

Schedule (A).

SCHEDULE (A).

Form of Agreement.

This agreement made the day of in the year between A. B., of and C. D., of witnesseth that the said A. B. doth this day bind E. F., a boy (or girl) of the age of years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand) to dwell with and serve the said C. D. as an apprentice, from this day forth for years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly, and obediently, in all things toward the said C. D. and his (or her) family. And the said C. D. for himself (or herself) and his (or her) executors and administrators, in consideration (of the premium * or sum of paid by the said A. B. to the said C. D., the receipt whereof the said C. D. hereby acknowledges, and) of the faithful service of the said E. F., doth covenant and agree with the said A. B., his (or her) executors and administrators, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome, and sufficient food, clothes,

* If there is no premium, the words between brackets may be omitted.

lodging, washing, and all other things necessary, fit, and reasonable for an apprentice: and further (here insert any special covenants).

In witness whereof the parties have hereunto set their hands and seals, the day and year above written.

A. B. L. S.

C. D. L. S.

SCHEDULE (B).

Schedule (B).

Form of Order of Assignment.

(To be endorsed on the agreement.)

Be it known to all men, that on the day of in the year personally appeared before G. H., magistrate of C. D., of with E. F., his (or her) apprentice, and J. K., of and desired that the agreement of apprenticeship, whereby the said E. F. was bound to the said C. D., might be assigned and made over to the said J. K., and the said G. H. having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the consent of (the said E. F.,* and of) all persons whose consent thereunto by law is required, doth allow such assignment: and the contract of apprenticeship whereby the said E. F. was on the day of in the year bound to the said C. D., as an apprentice to learn the trade (craft or employment) of a shall henceforth endure, unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place and stead of the said C. D., and shall be bound, for himself (or herself) his (or her) executors or administrators, to fulfil the covenants by the said C. D. to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

* If E. F. is not above the age of fourteen years, the words between brackets may be omitted.

C. D E. F. J. K.

In witness whereof the said C. D., E. F., and J. K. have hereunto set their hands before me the day and year above written.

G. H., Magistrate.

A.D. 1850. ACT XXI.

AN ACT *for extending the principle of Section IX. Regulation VII.* 1832, *of the Bengal Code, throughout the Territories subject to the Government of the East-India Company:* PASSED *by the Governor-General of India in Council, on the* 11*th April,* 1850.

Preamble.

WHEREAS it is enacted by Section IX. Regulation VII. 1832, of the Bengal code, that "whenever in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahommedan persuasion: or where one or more of the parties to the suit shall not be either of the Mahommedan or Hindoo persuasions: the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled;" and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the Government of the East-India Company, it is enacted as follows:

Renunciation of, or exclusion from religion or caste, not to affect rights of property or inheritance.

I. So much of any law or usage now in force within the territories subject to the Government of the East-India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the courts of the East-India Company, and in the courts established by royal charter within the said territories.

A.D. 1850. ACT XXIV.

AN ACT *for better defining the Special Duty levied on Tobacco in Bombay:* PASSED *by the Honourable the President of the Council of India in Council, on the* 8*th June,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

WHEREAS the laws in force respecting the special duty payable on tobacco imported into Bombay are obscure, and require to be explained and amended, it is declared and enacted as follows:

Rescissions.

I. Regulations XXXIII. 1827, and XV. 1828, of the Bombay code, and so much of Act I. 1838, as relates to the customary, or special duty levied on the import of tobacco into the island of Bombay, are rescinded and repealed.

II. All tobacco imported into the island of Bombay, either by sea or across any of the causeways, from whatever port or place it is brought, is and shall continue to be liable to the payment of a special duty levied at the rate of seven rupees and eight annas for the Indian maund, which duty shall be paid over and above the customary duty of one rupee and eight annas, at the option of the importer, either on importation, or, after being warehoused in the custom-house warehouse, on being delivered out for internal consumption.

Special and customary duty on tobacco.

When to be paid.

III. No drawback of the said duty shall be allowed on exportation, unless the tobacco has been warehoused in and is exported direct from the custom-house warehouse; in which case a drawback of the whole of the special duty shall be allowed, if claimed at the time of re-exportation.

Drawback.

IV. This Act shall not be taken to affect the provisions and penalties of any Act or Regulation for enforcing payment of the special duty, which shall continue in force for compelling payment of the duty as declared payable by this Act, and for punishing any evasion of such payment.

Provisions for enforcing payment of special duty to remain in force.

A.D. 1850. ACT XXVI.

AN ACT *to enable Improvements to be made in Towns:* PASSED *by the Honourable the President of the Council of India in Council, on the* 21*st June,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

WHEREAS Act X. 1842, was passed for enabling the inhabitants of any place of public resort or residence, under the presidency of Fort William, not within the town of Calcutta, to make better provision for purposes connected with public health and convenience, but the said Act has proved ineffectual for the purpose, and it is expedient to amend the provisions thereof, and to extend the like powers to the inhabitants of towns in the other presidencies under the Government of the East-India Company, it is enacted as follows:

Preamble.

I. Act X. 1842, is repealed.

Repeal.

II. If it shall appear to the Governor or Governor in Council, or Lieutenant-Governor, of any presidency or place within the territories under the Government of the East-India Company, that the inhabitants of any town or suburb, not within the town of Calcutta, Madras, or Bombay, are desirous of making better provision for making, repairing, cleaning, lighting, or watching any public streets, roads, drains, or tanks, or for the prevention of nuisances, or for improving the said town or suburb in any

Government may extend this Act to any but the presidency towns.

other manner, the said Governor or Governor in Council, or Lieutenant-Governor, may order this Act to be put in force within such town or suburb.

Notice to be given of all applications for extension of this Act.

III. Whenever any application shall be made to the Government for putting this Act in force in any town or suburb, notice thereof shall be given in the Government Gazette of the presidency, or place, and also by proclamation within such town or suburb, setting forth the purposes of the application, and giving reasonable time for all inhabitants of such town or suburb, who are minded to declare themselves for or against the adoption of this Act therein, for such purposes, or any of them.

Government to decide upon the application, and to publish their order.

IV. The Governor or Governor in Council, or Lieutenant-Governor, shall take all such declarations into due consideration, and after the time allowed for receiving the same, shall make a final order, which shall be published in the Government Gazette, and also notified by proclamation within such town or suburb, to the effect that the application appears, or does not appear, to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of the purposes in respect of which it is made; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Act shall be thenceforth in force in such town or suburb, for such purposes only as shall be mentioned in the order.

Act to come into force on publication of the order.

V. Whenever any such order shall be made and published as aforesaid, this Act shall come into force within the said town or suburb, for such purposes as are mentioned in the order; and the making and publication of the said order shall be conclusive evidence that the provisions of this Act have been complied with, and that it is thenceforth in force within the said town or suburb, for such purposes as are mentioned in the order.

Appointment of commissioners for putting Act in force;

preparation of local rules.

Powers of Government to remove commissioners and fill up vacancies.

VI. Whenever this Act shall come into force in any town or suburb, the Governor or Governor in Council, or Lieutenant Governor, shall appoint the magistrate and such number of the inhabitants thereof as to him shall appear necessary, to be commissioners for putting the Act in force, and shall give authority to them to prepare rules for more effectually accomplishing the purposes for which they are appointed; which rules, when approved by the Governor or Governor in Council, or Lieutenant Governor, shall be of the same force within the said town or suburb, until altered or rescinded as hereinafter provided, as if they were inserted in this Act. And the said Governor or Governor in Council, or Lieutenant Governor, may remove any of the commissioners and appoint others, and may fill up vacancies occurring among the commissioners in such manner as may seem to him fit.

Rules to provide for

appointment of officers,

objects and rates of taxes and mode of collecting,

VII. The rules to be prepared by the said commissioners shall provide, among other things, for those following, that is to say:

1. The appointment and management of all necessary officers and servants of the commissioners, and the salaries to be allowed to them.

2. The definition of the persons of property within the town or

suburb to be taxed for raising the moneys necessary for the purpose of this Act, whether by house assessment or town duties, or otherwise; the amount or rate of the taxes to be imposed; the manner of raising and collecting them, and ensuring the safety and due application of them when collected.

3. The manner in which, from time to time, the rules in force are to be amended or rescinded, and new rules are to be made, with the approval in every case of the Governor or Governor in Council, or Lieutenant Governor. Mode of amending or rescinding rules.

4. The definition and prohibition of nuisances within the town or suburb. Prohibition of nuisances.

5. The imposition of reasonable penalties for breach of any rule made by the commissioners, not exceeding fifty rupees, or in the case of continuing nuisance, not exceeding five rupees for every day that such nuisance is continued. and imposition of penalties.

VIII. The commissioners appointed, from time to time, shall have full power to make all necessary contracts, for the purposes of this Act, and apply the taxes raised as aforesaid in the necessary works, and in payment of their officers and servants, and in the other expenses incident to the execution of this Act within the said town or suburb. Power of commissioners to make contracts and expend money.

IX. No commissioner shall be personally liable for any contract made by the commissioners on behalf of the inhabitants of such town or suburb; but every commissioner shall be liable for any misapplication of the moneys collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of, the East-India Company. Commissioners not personally liable, except for misapplication of moneys.

X. The powers of Act II. 1839, for the recovery of fines, shall be applied for the recovery of all arrears of taxes and penalties under this Act; and every magistrate shall put in force the powers of the said Act II. 1839 for that purpose, whenever thereunto required by the commissioners, or any of their officers deputed by them for the purposes of enforcing payment of arrears of taxes imposed under this Act. Recovery of arrears of taxes and penalties.

XI. No rate on property made under this Act shall be invalid for defect of form; and it shall be enough in any such rate on property, or any assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof. Rates not invalid through defect of form, or if property be described as generally known.

XII. All moveable property found in any house or building, or upon any land assessed under this Act may be seized and sold by warrant of a magistrate for payment of any arrear of tax laid on such house, building, or land under this Act. Moveable property liable to sale for arrears.

XIII. All commissioners acting in execution of this Act shall, on or before the last day of April in every year, make up and send to the Commissioners to render accounts.

Governor or Governor in Council, or Lieutenant Governor, an account of all works executed by them, and of all sums received and spent by them in the foregoing year, in such form and with such vouchers as the Governor or Governor in Council, or Lieutenant Governor, shall, from time to time, order.

Government may suspend this Act, and may appoint persons to examine the proceedings of commissioners.

XIV. The Governor or Governor in Council, or Lieutenant Governor, may, at any time, suspend the operation of this Act in any town or suburb, and appoint any person or persons to examine and report upon the behaviour of the commissioners, or any of them, or their officers in the execution of this Act.

A.D. 1850. ACT XXVII.

AN ACT *for the Registry of Merchant Seamen:* PASSED *by the Honourable the President of the Council of India in Council, on the* 21*st June,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

WHEREAS it is expedient to form a register of merchant seamen, it is enacted as follows:

Register office to be established at certain ports.

I. A general register office for merchant seamen shall be established, at each of the ports of Calcutta, Madras, and Bombay, and at such other ports as the Governor-General of India in Council shall hereafter deem necessary.

Official establishment of the registry office.

II. For every such office, there shall be a registrar, with such assistants, clerks, and servants, at such salaries and allowances, and subject to such Regulations, as shall be, from time to time, directed, with the approval of the Governor-General of India in Council, by the Governor, or Governor in Council of the presidency or place where the office is established.

Security to be given by the registrar.

III. Each registrar, before entering on the duties of his office, shall, with two sureties, execute a joint and several bond to the East-India Company, according to such form as shall be, from time to time, approved by the Governor-General of India in Council, conditional for the faithful performance of his duty, and for the due application and account of all moneys that shall come to him, as such registrar, under such amount of penalty as shall be, from time to time, fixed by the Governor, or Governor in Council of the presidency or place.

All seamen in British vessels to be registered.

IV. Every person not having a register-ticket from any port in the United Kingdom of Great Britain and Ireland, who intends to serve (otherwise than as master or surgeon) on board of any vessel navigated from a port within the territories under the Government of the East-India Company, and registered as a British vessel under the Statutes of Parlia-

ment and Acts of the Governor-General of India in Council, in force, for the time being, for the registry of British vessels, shall be bound to appear at one of the said register offices, for the purpose of procuring himself to be registered, and shall be bound to answer truly, to the best of his ability and knowledge, the several questions set forth in the Schedule (A) annexed to this Act, and such other questions as shall be, from time to time, directed by the Governor-General of India in Council, and until so registered shall not be allowed, after the 1st day of August, 1850, to serve in any capacity (other than master or surgeon) on board of any such registered vessel.

Registrar to register all seamen who apply.

V. The registrar shall be bound to register every seaman who shall appear at his office for that purpose, and truly answer the said questions to the best of his ability and knowledge.

Register-tickets to be given to seamen.

Fee.

VI. The registrar shall give to every seaman whom he shall register a register-ticket, containing as accurate a description as may be, of such seaman, in such form as shall be, from time to time, approved by the Governor-General of India in Council, for which he shall be entitled to take such fee, not exceeding one rupee, as shall be, from time to time, allowed by the Governor or Governor in Council, and shall keep recorded in his office a duplicate of every such register-ticket. The registrar shall ascertain, to the best of his ability, and specify on the register-ticket, the class or rating of seafaring persons to which each registered seaman appears to him to belong; and, from time to time, shall note on any ticket produced to him for that purpose any superior rating to which the holder of the ticket appears at that time to be entitled.

Issue of new register ticket.

VII. Whenever any seaman shall lose his register-ticket, he shall apply personally to one of the said registrars, and shall be bound to answer truly, to the best of his ability and knowledge, all questions which the registrar, or one of his assistants, shall put to him, touching the time and manner of the loss; and if it shall appear that no fraud has been committed or intended, the registrar shall furnish another ticket to him, upon payment of such fee, not exceeding five rupees, beside the common fee for the issue of a register-ticket, as the registrar shall think fit, under the instructions to be issued to him by the Governor or Governor in Council, having regard to the time and manner of the loss of the former ticket.

Tickets of imprisoned seamen to be kept by keeper of the prison.

VIII. Whenever any registered seaman shall be committed to prison, or to any house of correction, the court or justice of the peace shall cause his register-ticket to be delivered to the keeper of such prison or house of correction, who shall keep it during the term of the seaman's imprisonment, and at the end of the imprisonment give it to him again; and, whenever any registered seaman shall be sentenced to death or transportation, the person having him in custody shall send his register-ticket to the office of the registrar by whom it was issued.

Registrar to cancel returned tickets; lists of cancelled and lost

IX. The registrar shall cancel every register-ticket, which shall come again into his possession; and, from time to time, shall make out lists,

Tickets to be kept and published.

showing the number and name upon every ticket cancelled during the twelve months then last past, and of every ticket which shall have been represented to him to have been lost, and in respect of which he shall have issued another ticket during the same twelve months; and shall cause such lists to be published in the Gazette, in the English and vernacular language of the port, and shall also send them to the collector of customs and principal officer of police at such towns or ports as shall be directed by the Governor or Governor in Council, to be by them respectively exhibited in some conspicuous part of the custom-house and police office; and copies of such lists shall be sent to the master attendant at every such port, and shall be delivered to any master or owner of a registered vessel on application, and on payment of a fee of one rupee.

Masters of ships not to engage unregistered seamen; to take the register-tickets and return them at the end of the term of service.

X. The master of any such vessel shall not at any port in the said territories, after the said 1st day of August, engage or employ, for the purpose of going to sea in his vessel, any unregistered seaman, or any seaman having a cancelled register-ticket; and shall cause to be delivered to him the register-ticket of every seaman whom he shall so engage at any such port, after the said 1st day of August, before putting to sea, which ticket the master shall keep safely (unless in the cases herein mentioned) until the end of the service of such seaman with him, and shall then give it back to the seaman to whom it belongs; and every master of a vessel, who shall wilfully offend against this enactment, shall be liable to a penalty, not exceeding Rs. 100 for each seaman so unlawfully engaged or employed.

Penalty.

Penalty for making false statements to the registrar.

XI. Every person applying for a register-ticket, who shall wilfully give a false answer to any question which the registrar or his assistant is entitled to ask of him, or wilfully make any false statement before the registrar or his assistant as to the loss of any register-ticket, shall be liable to a penalty, not exceeding Rs. 50.

Penalty for altering, injuring, destroying, or counterfeiting register-ticket.

XII. Every person, who shall wilfully alter, deface, or destroy any register-ticket, or counterfeit any such register-ticket, or transfer or traffic in any such ticket, issued or purporting to be issued, under this Act, shall be liable to a penalty, not exceeding Rs. 100.

Persons obtaining possession of tickets issued to other persons to return them to registrar:

XIII. Every person who shall become possessed of any register-ticket, other than that lawfully issued to him (except masters of vessels and others directed to keep any such ticket by this Act), either by the death of the seaman to whom it belonged or otherwise, shall forthwith send it to the registrar of the port whence it was issued, and in default of so doing shall be liable to a penalty, not exceeding Rs. 100.

Penalty.

Penalty on seamen for tendering tickets not lawfully issued.

XIV. Every seaman, tendering to the master or owner of any vessel a cancelled register-ticket, or any ticket not lawfully issued to him, shall forfeit to the owner all wages accruing to him during the service for which he shall have agreed.

Penalties by whom

XV. All penalties, directed by this Act, may be imposed on summary

conviction before a magistrate or justice of the peace, and may be recovered with costs, as if they were imposed by a magistrate under Act II. 1839.

to be imposed, and how recovered.

XVI. The fees received by the registrar shall be applied toward defraying the expenses of this Act; beside which, a yearly duty of one anna per ton shall be levied for the same purpose on all vessels of the burden of one hundred and fifty tons and upwards, navigated to or from the ports within the territories under the Government of the East-India Company; and the production of a certificate of payment at one port of registry shall free the same vessel at all others during the current year, to be reckoned from the 1st day of January to the last day of December.

Appropriation of fees.

Duties on ships to defray expenses of registry office.

SCHEDULE (A).

Schedule (A).

1. What is your name and surname?
2. What is your father's name, and usual dwelling-place?
3. Have you been registered before?
4. Where were you born?
5. When were you born?
6. When did you first go to sea?
7. In what capacity did you first go?
8. In what capacity have you since served?
9. Have you served in the Royal or Indian Navy? or in the marine of the East-India Company?
10. If you have, how long? and in what ships? and in what capacity?
11. Have you been in foreign service?
12. If you have, how long? and in what capacity? and under what flag?
13. How have you been generally employed at sea?
14. Where do you usually live when unemployed?.

SCHEDULE (B).

Schedule (B).

Names and numbers of the register-tickets of the crew (including apprentices) now serving on board the of the port of of the burden of tons, on taking departure from the port of in the East Indies, bound on a voyage to

Number and Date of Ship's Register.	Name.	Capacity.	Number of Register Ticket.

Dated this day of 18 .

Master.

A.D. 1850. ACT XXVIII.

AN ACT *for the Encouragement of Merchant Seamen:* PASSED *by the Honourable the President of the Council of India in Council, on the 21st June,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

FOR the encouragement and protection of merchant seamen, it is enacted as follows:

Agreement to be made with each sailor before sailing of ship.

I. The master of any vessel, navigated from any port within the territories under the Government of the East-India Company, where a registrar of seamen is or shall be appointed under Act XXVII. 1850, registered as a British vessel under any Statute of Parliament, or Act of the Governor-General of India in Council, in force for the time being, for the registry of British vessels, except country craft not exceeding the burden of three hundred tons employed only in coasting voyages, shall not put to sea on any day after the 1st day of August, 1850, until an agreement, executed as hereinafter provided, shall have been made by him with such of his crew as are shipped at any port within the said territories, specifying what wages each seaman is to receive, and the quantity and quality of provisions he is to receive, the capacity in which each is to act or serve, and the voyage in which the vessel is to be employed, or the length of time that each is to serve.

Form and mode of executing agreement.

II. Every such agreement shall be in the form set forth in Schedule (A) annexed to this Act, or such other form as shall be, from time to time, approved by the Governor-General of India in Council, and shall be properly dated, and shall be signed by the master and the greater number of seamen shipped at any port in the said territories, of each kind of rating belonging to the vessel, on behalf of the crew, respectively, in the presence of the registrar of seamen, or by some one appointed by him for that purpose, who, after hearing the agreement read over and explained to each seaman by whom it is to be signed, in a language understood by him, shall, if the seaman assent, cause him to put his signature or mark thereunto, and shall attest the same by his own signature, and shall keep recorded in his office a duplicate of such agreement executed and attested as aforesaid. Every seaman shipped on board such vessel, and not being an apprentice, shall be entitled to have the benefit of such agreement, according to his rating, as if it were executed by him.

Copy of agreement to be evidence how agreement is to be produced or the contents proved.

III. Every copy of such an agreement, certified by the registrar to be a true copy, shall, in all cases, be taken as evidence of the contents thereof on behalf of the seaman; and no seaman shall, in any case, be required to produce such agreement, or such copy as aforesaid, or to give notice for the production thereof; but, if the agreement shall not be produced and proved, he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence, according to the nature of the case.

IV. No seaman, shipped under this Act, shall, by reason of any agreement, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise be entitled, against any person or persons whatever; and no agreement, contrary to or inconsistent with this Act, nor any clause, contract, or engagement, whereby any seaman shall consent or promise to forego, or give up any right or claim to wages in the case of freight earned by a ship afterwards lost, or any right or claim to salvage or reward for salvage services, or such share of salvage or reward for salvage services, as may be due to him by decree or award, or otherwise, shall be binding on such seaman.

Rights of seamen not injured by any agreement not recognized by this Act.

V. The wages of any seaman engaged to serve on any vessel under this Act, shall be calculated by the calendar month.

Wages to be per calendar month.

VI. If any seaman, serving under the provisions of this Act, shall, by a writing, according to a form set forth in Schedule (B) annexed to this Act, or such other form as shall be, from time to time, approved by the Governor-General of India in Council, attested by the signature of the registrar or his assistant, and by the signature of the master of the vessel on which he is engaged to serve, and in which writing the purpose shall be stated, authorize the said registrar to receive monthly from the owner of the said vessel or his agent, any part of his wages, not exceeding one-third thereof, for the time for which he shall not have received any advance, for the purpose of maintaining his family during his absence, the said owner or his agent shall, on demand of the said registrar, pay such sum to him, to be applied as aforesaid, without requiring any proof from the said registrar that the said seaman is still on board the said vessel.

Seamen may authorize registrar to receive certain portions of their wages for the use of their families.

VII. All such payments, whether by the owner, his agent or by the registrar, shall cease from and after the production of a certificate from the master of the vessel, of the death, desertion, or discharge of the said seaman, or on reasonable evidence that the vessel has been lost; but no payment, actually made by the registrar to the party appointed by the said seaman, shall be reclaimable by reason of his death, desertion, or discharge, or of the loss of the vessel.

Such payments to cease on death, desertion, or discharge of the seaman.

VIII. All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the registrar under his signature, or the signature of his assistant; and the said book shall be, at all times, open to the inspection of the parties concerned.

Account of such receipts and payments to be kept by registrar.

IX. At the time of witnessing the execution of the agreement for service, the registrar shall explain to the seamen, parties thereunto, the conditions on which they can allot a part of their pay to their families during their service; and it shall be the duty of the registrar to see that all seamen leaving the port have the option of allotting part of their pay as aforesaid.

Registrar to inform seamen of the mode in which they can allot portions of their pay to their families.

X. The master of every such vessel, before leaving any port of registry, shall deliver to the registrar a list, signed by himself, of the name of

Master to give lists and particulars of seamen engaged to registrar.

every seaman engaged by him in the territories under the Government of the East-India Company (including apprentices), with their rating and the number of their register-tickets, according to such form as shall be, from time to time, approved by the Governor-General of India in Council; and, if he shall not have engaged any seamen within the said territories, the master shall deliver to the registrar a certificate of the fact signed by himself; and, on receiving the said list or certificate, and on being satisfied of its truth, the registrar shall give to the master a certificate under his hand, that the master of such vessel has complied with the regulations of the registry office. Every master of any such vessel who shall leave a port of registry without delivering such list or certificate as aforesaid, shall be liable to a penalty, not exceeding Rs. 200.

and receive a certificate.

Penalty.

Registrar may enter ships and examine seamen:

XI. For the purpose of preventing any seaman from being shipped on board of any vessel in any port of registry contrary to the provisions of this Act, the registrar of the port, by himself, or his agents, in a peaceable manner, may enter at any time on board of any such vessel, and muster and examine the several seamen employed therein; and any person, who shall obstruct the said registrar, or his agents, in such duty, shall be liable to a penalty not exceeding Rs. 100.

Penalty for obstruction.

How registrar may stay port-clearance when this Act is believed to have been evaded.

XII. In cases when the registrar shall have reason to believe that any of the provisions of this Act have been evaded or neglected by the master, owner, or agent of any ship about to go to sea, the registrar, by a writing under his hand, may stay the grant of a port-clearance by the master attendant; and every master attendant shall comply with the written requisition of the registrar in this respect.

Master to pay seamen within seven days after arrival in port, and take receipts:

XIII. The master of every such vessel, on which any seaman engaged under this Act may be serving, shall, within seven days after the arrival of such vessel at the port where the voyage ends, or after the end of the service, according to the agreement entered into, in accordance with this Act, pay or cause to be paid to such seamen the wages remaining due to them for their services, taking a receipt from each man for the amount paid to him, either separately or on a general list, which receipt shall be certified by the chief or second officer, or other credible witness, and otherwise shall be of no force or validity.

Penalty.

XIV. Every master or owner, who shall neglect or refuse to pay any seaman's wages within the time mentioned in the last section, shall forfeit and pay to such seaman the amount of two days' pay, to be recovered as wages, for each day, not exceeding ten days in the whole, during which such payment has been delayed without sufficient cause.

How wages due to a deceased seaman are to be disposed of:

XV. If any seaman, to whom any wages are due, die before the wages due have been paid, then the wages shall be paid to the registrar of the port of registry at which the ship shall first touch after his death, and the registrar shall pay the same to his legal representative, and failing such legal representative, after the expiration of twelve months from the 1st of January next following the day on which he shall have received the said balance, into the Treasury of the East-India Company, after having given

due notice of such unclaimed balance being in his possession, by advertisement in the Gazette, at least twice during such period.

Penalty.

XVI. Every master of a vessel, who shall be convicted before a magistrate of having neglected to pay to the registrar, within ten days of the ship's arrival in the port as aforesaid, the wages due to deceased seamen, shall forfeit three times the amount of wages so neglected to be paid; and further shall be subject to such fine, not exceeding Rs. 100, for each case of neglect, as to such magistrate shall seem fit.

How master is to provide for seamen when from any cause excepting wreck or condemnation of ship their service ends in a foreign port.

XVII. Whenever any merchant vessel, navigated and registered as is mentioned in Section I., and not having been wrecked or condemned, shall be sold or disposed of at any port out of the territories under the Government of the East-India Company, or whenever the service of any seaman shall end at any such port, the master shall give to each seaman a certificate of discharge and his register ticket, and also either provide for him fit employment on board some other such vessel bound to some port within the said territories, or provide for him a passage to the port at which he was shipped, or such other port as may be agreed on, either free of cost, or by depositing with the British consul or vice-consul, or if there be none such, with some resident merchant of the port not interested in the vessel, such a sum of money as shall be, by him, deemed reasonably enough to pay the expenses of his subsistence and passage, which money shall be paid over and above any wages which may be due to him.

Penalties.

how to be recovered.

XVIII. If the master shall neglect or refuse to provide employment, or the means of passage, for any of his crew as mentioned in the last section, the expense of doing so, when defrayed, shall be a charge on the owner of the vessel, unless in cases of barratry, wreck, or condemnation, and may be recovered with full costs of suit from such owner as so much money paid on his account, at the suit of the consul or any other person defraying such expenses, or at the suit of the East-India Company, in case the same has been paid or allowed out of any monies belonging to the East-India Company; and, if defrayed by the seaman himself, may be recovered as wages due to him.

If seaman consents to a discharge, the obligation to provide for him ceases.

XIX. The obligations of the last two sections shall not apply to such of the crew as shall consent, in writing, before the British consul or vice-consul, or if there be no British consul or vice-consul at the port, before one or more resident merchants not interested in the vessel, to be then and there discharged.

Provision for seamen in case of wreck.

XX. In all cases of wreck or loss of the ship, every seaman then on board shall be entitled to his wages up to the time of the wreck or loss, whether or not the ship has earned freight: provided he shall produce, from the master or chief surviving officer of the ship, a certificate that he did his best to save the ship, cargo, and stores.

Increase of pay to seamen when their provisions are reduced.

XXI. Every seaman shall be entitled to receive an increase of his wages for every day on which the allowance of provisions, which it was agreed

he should receive, shall be reduced, at the rate of one anna daily, while the reduction is not more than one-third of the quantity, and two annas daily, while the reduction is more than one-third; and these pecuniary allowances shall be recoverable as his other wages are.

Prospective assignments of wages, salvage, or prize money, invalid;

and attachments of courts not to prevent payment.

XXII. No assignment or sale of seamen's wages, salvage, or prize money, made before the accruing thereof, nor any power of attorney expressed to be irrevocable, for the receipt of any seaman's wages, salvage, or prize-money, shall be valid or binding on the party making the same; and any attachment, to be issued out of any court, shall not prevent the payment of any seaman's wages, salvage, or prize money to him.

What medicines ships are to carry.

Penalty.

XXIII. Every such vessel shall have always on board a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea voyages, according to such scale as shall be, from time to time, issued by the superintendent of the Indian navy, with the approval of the Governor-General of India in Council, and published in the Government Gazettes at Calcutta, Madras, and Bombay; and, in default thereof, the owner of the vessel shall be liable to a penalty, not exceeding Rs. 200, and Rs. 5 for every day during which such default shall wilfully continue.

Seamen injured in service to be properly provided for at expense of owners till return of ships, without deduction from wages.

XXIV. Whenever the master, or any officer or seaman of any such vessel shall receive any hurt or injury in the service of the vessel, the expense of providing the necessary surgical and medical advice and attendance, with medicines, and for his subsistence, until he shall be cured or shall be brought back to the port from which he was shipped, or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the owner of the vessel, without any deduction on that account from the wages of such master, officer, or seaman; and, if paid by himself may be recovered as part of his wages; and if paid or allowed out of any monies belonging to the East-India Company, may be recovered with full costs of suit, as a debt due to the East-India Company.

How advances to seamen are to be recovered when ship is prevented from going the voyage.

Punishment of seamen for refusing compliance.

XXV. If any vessel, on board of which there shall be any seaman, who has received an advance under this Act, shall, before going on the voyage for which such advance shall have been paid, be destroyed or injured by fire, or other cause, so as to prevent her going on her then intended voyage, or if such voyage shall be discomfited at the beginning, or before the advance has been worked out, the master, owner, or agent of such vessel may demand from such seaman, unless he shall pay back the amount so advanced to him, service to the full amount of the advance received by him, on board of any other vessel; and such seaman, until he has worked out such advance, shall not be entitled, without the consent of such master, owner, or agent, to take service in any vessel other than that on which he is so required to serve; and any such seaman, who shall refuse to work out such advance on board such other vessel, on summary conviction of his refusal before any magistrate or justice of the peace, shall be liable to be imprisoned, with hard labour, for any term not exceeding six months.

Registrar may grant licenses to brokers and

XXVI. The registrar of seamen may grant, from time to time, to such

persons as he may deem fit, a license to act as broker for procuring seamen for vessels shipping men under this Act, and also a license to the keeper of any lodging-house for seamen, enabling him to allow seamen to be engaged at his house, and also may revoke and annul such license on the misconduct of any such person; and every such license shall be granted for such term, upon such conditions, and upon such security given, as the said registrar shall, from time to time, appoint.

Lodging-house keepers for procuring seamen.

XXVII. Every person, not licensed as aforesaid, and not being the owner, part owner, master, or person in charge of the vessel, on board of which the men are to serve, who shall hire or engage a seaman, to be entered on board any merchant ship, at any port of registry, and every person, whether licensed or not, other than the owner, part owner, master, or person in charge of the merchant ship, on board of which the men are to serve, who shall demand or obtain the register ticket of any seaman, for the purpose, or under the pretence of engaging him on board of any merchant ship, and every person, whether or not licensed as aforesaid, who shall ask or take, directly or indirectly, from any seaman any fee, reward, or other valuable consideration, for hiring or engaging, or endeavouring to hire or engage him on board of any merchant ship, shall be liable to a penalty, not exceeding Rs. 500.

Punishment for illegally e[illegible] or for taking register tickets or fees from seamen.

XXVIII. Every licensed broker, who shall engage any seaman at any punch-house or tavern, not being a licensed lodging-house for seamen as aforesaid, or who shall be directly or indirectly interested in any punch-house or tavern not being a licensed lodging-house for seamen as aforesaid, shall forfeit his license.

Punishment for engaging seamen at taverns.

XXIX. Every person, who shall persuade, or endeavour to persuade, or hinder any seaman from complying with any of the provisions of this Act, or who shall counsel such seaman to desert, or who shall conceal, or aid in concealing or maintaining any seaman, who has deserted, shall be liable to a penalty, not exceeding Rs. 500.

Penalty for advising or causing seamen to break the provisions of this Act, or to desert.

XXX. If a seaman, engaged under this Act, shall, at any time, whether before or during any voyage, neglect or refuse to join the vessel, on board of which he shall have engaged to serve, or shall refuse to go to sea in such vessel, or shall absent himself therefrom, without leave, or shall desert, any justice of the peace or magistrate in the territories under the Government of the East-India Company, at or near to the place where such vessel shall happen to be, or where such seaman shall be found, upon complaint made upon oath, by the master, mate, or owner, or his agent, may issue his warrant, and cause such seaman to be taken into custody, and brought before him; and upon due proof of such neglect, refusal, or absence, without reasonable excuse, or of desertion, may commit such seaman to prison, or to the house of correction, there to be imprisoned, with or without hard labour, for a term not exceeding thirty days; or, if he shall think fit, at the request of the master, mate, or owner, or his agent, instead of committing such seaman, may cause him to be taken on board the said vessel, or to be delivered to the master, mate, or owner, or his agent, for the purpose of being so taken and going on the voyage;

Punishment of seamen neglecting or refusing to fulfil their engagements, or deserting their ships.

and also may award to the master, or owner, or his agent, such costs incurred in the apprehension of the seaman, as to such justice or magistrate shall seem reasonable, not exceeding, in any case, the sum of Rs. 20, which shall be chargeable against and may be deducted from the wages of such seaman.

Power of master to mulct seamen absenting themselves without leave or discharge.

XXXI. Every seaman, engaged under this Act, who, during the term of his service, shall wilfully, and without leave, absent himself from the vessel, or otherwise from his duty, shall (in all cases, not of desertion, or not treated as such by the master), forfeit, out of his wages, the amount of two days' pay, and for every twenty-four hours of such absence the amount of six days' pay, or, at the option of the master, the amount of such expenses as shall have been necessarily incurred in hiring a substitute; and every seaman, who, while he shall belong to the vessel, shall, without sufficient cause, neglect, or refuse to perform his duty reasonably required of him by the master, or other person in command of the vessel, shall be subject to a like forfeiture, in respect of every such offence, and of every twenty-four hours' continuance thereof; and every such seaman, who, after the vessel's arrival at her port of delivery, and during the term of his service, shall leave the vessel without a discharge or leave from the master, shall forfeit one month's pay out of his wages: provided always, that no such forfeiture shall be incurred, unless the fact of the seaman's absence, neglect, or refusal shall be duly entered in the log book, the truth of which entry the owner, master, or agent, in all cases of dispute, shall be bound to substantiate, by the evidence of the mate, or some other credible witness.

Seamen deserting to forfeit all effects left on board and their wages; entry of desertion to be made in the log-book.

XXXII. Every seaman engaged under this Act, who shall desert his vessel, shall forfeit to the owner all his clothes and effects which he may leave on board, and also all wages and emoluments to which he might otherwise be entitled; provided always, that every desertion be entered in the log book, at the time, and certified by the signatures of the master and the mate, or the master and one credible witness.

Excess of wages of a substitute may be recovered from a deserter by summary proceeding.

XXXIII. If any seaman shall desert during the term for which he has engaged to serve, in any place beyond the port where he was engaged, and the master of the vessel shall engage a substitute at a higher rate of wages than that stipulated in the agreement to be paid to the seaman so deserting, the owner, agent, or master of the vessel, shall be entitled to recover from the deserter, by summary proceeding, in the same manner as penalties are by this Act made recoverable (so far as the same can be applied), any excess of wages or portion thereof which such owner, agent, or master shall pay to such substitute, beyond the amount which would have been payable to the deserter, if he had duly performed his service; provided always, that no seaman shall be imprisoned longer than three calendar months for non-payment of any such excess of wages.

Imprisonment for failure to pay.

What is to be deemed desertion.

XXXIV. The absence of a seaman from his vessel, for any time within twenty-four hours immediately before the sailing of a vessel from any port, whether before or during any voyage, wilfully or knowingly, without leave,

or the wilful absence of a seaman from his vessel, at, or for any time, without leave, and in such manner as to show an intention to abandon his vessel and not return thereto, shall be deemed desertion.

Punishment for concealing deserters.

XXXV. Every person, who shall wilfully harbour or conceal any seaman or apprentice, who shall have deserted, knowing or having reason to believe such seaman or apprentice to be a deserter, shall, for every such seaman or apprentice so harboured or concealed, be liable to a penalty, not exceeding Rs. 100.

Engaged seamen not answerable for debts above Rs. 3, till close of service; how persons detaining their property for debts are to be proceeded against.

XXXVI. No debt, exceeding in amount Rs. 3, incurred by any seaman after he shall have engaged to serve under this Act, shall be recoverable until the service agreed for shall be ended; nor shall any keeper of a public-house, or of a lodging-house for seamen, be entitled to detain any chest, tools, or other property of any seaman, for any debt alleged to have been contracted by him; and in case of such detention of the chest, tools, or other property of a seaman, any justice of the peace or magistrate at or near the place, upon complaint upon oath to be made by such seaman, or by any person on his behalf, may inquire into the matter upon oath in a summary way; and, by warrant under his hand and seal, may cause such property to be seized and delivered over to such seaman; and the person so detaining the same shall be liable to a penalty, not exceeding Rs. 100.

Crew may call on justices or magistrates to examine provisions and stores of vessel; if bad or insufficient, to be remedied.

XXXVII. Any justice of the peace or magistrate, within the territories subject to the East-India Company, upon complaint made by any three or more of the crew of any such vessel, shall survey and examine, or cause to be surveyed and examined, the provisions, water, and medicines, put or supplied on board of the vessel, for the use and consumption of the crew; and, if on such survey and examination; it shall be found that such provisions, water, or medicines, are of a bad quality, or unfit for use, or not such as should be provided, or there shall not appear to be a sufficient quantity thereof, the surveying officer shall signify the same, in writing, to the master of the vessel; and, if such master shall not thereupon provide other fit provisions, water, or medicines, instead of any which may be signified by the said surveying officer to be of a bad quality or unfit; or if any such master shall not thereupon procure the needful quantity of provisions, water, and medicines, or shall issue to the crew any provisions, water, or medicines, which shall have been signified by the surveying officer to be of a bad quality, or unfit, he shall, in each of such cases, be liable to a penalty, not exceeding Rs. 500.

Penalty.

What covered shelter is to be provided for seamen;

increase of wages in default thereof.

XXXVIII. A place of shelter shall be provided below a well-caulked and substantial deck, for the men engaged under this Act, large enough to allow four superficial feet for every man; and if the place allotted be under the top-gallant forecastle, such forecastle deck shall be not less than four feet six inches above the one below it; and in default thereof, every man who is unprovided with such adequate shelter shall be entitled to have an increase of his wages, at the rate of four annas daily, while he is so unprovided, which shall be recoverable as his other wages are.

Penalties under this Act how may be imposed and recovered.

XXXIX. All penalties, directed by this Act, may be imposed on summary conviction before a magistrate or justice of the peace, and may be recovered, with costs, as if they were imposed by a magistrate under Act II. 1839.

Claims for wages and forfeitures, how to be heard, determined, and the amounts recovered.

XL. All claims for wages or forfeitures due and incurred under the agreements entered into under this Act, may be heard and determined by any justice of the peace or magistrate; and the amount, with costs, awarded by such justice or magistrate, shall be recovered from the party against whom the award is made, in the same manner as fines levied under the provisions of Act II. 1839.

Who is to be deemed "master," "seaman," "owner," or "agent" of the vessel.

XLI. Every person having the charge or command of any vessel sailing under this Act shall be deemed to be the master of such vessel, within the meaning of this Act, and every other person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board, except as surgeon, shall be deemed to be a seaman, within the meaning of this Act; and the term "owner" shall be deemed to comprehend all the several persons, if more than one, to whom the vessel belongs, and the term "agent" shall be deemed to comprehend all the several persons, if more than one, who are agents of the "owner."

Schedule (A).

SCHEDULE (A).

An agreement made pursuant to an Act passed by the Governor-General of India in Council, and numbered No. XXVIII. of 1850, between the master of the ship of the port of and of the burden of tons, and the several persons whose names are set hereto, on behalf of themselves and others shipped on board the said ship within the territories under the Government of the East-India Company.

It is agreed by, and on the part of the said persons, and they severally hereby engage to serve on board the said ship in the several capacities against their respective names expressed (or from the day of to the day of both inclusive) [where the intended voyage is to be described as nearly as can be done, and the places at which it is intended the ship shall touch, or, if that cannot be done, the nature of the voyage in which she is to be employed]; and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful and sober manner, and to be, at all times, diligent to their respective duties and stations, and to be obedient to the lawful commands of the master, in everything relating to the said ship, and the materials, stores and cargo thereof, whether on board such ship, in boats or on shore; in consideration of which services, to be duly, honestly, carefully and faithfully performed, the said master doth hereby promise and agree to pay to the said crew, by way of compensation or wages, the amount against their names respectively expressed. And it is hereby agreed, that any embezzlement, or wilful or careless loss or destruction of any part of the ship's cargo or stores, shall be made good to the owner out of the wages (so far as they will go) of the seaman guilty of the same; and if any seaman shall have entered himself as qualified for a duty for which he shall prove unfit, he shall be liable to a reduction of the rate of wages hereby agreed for, in proportion to his unfitness. In witness whereof, the said parties have hereto set their names, on the days against their respective signatures mentioned.

No. and date of Ship's Register.	Place and time of Entry.				Man's names set forth at full length.	Number of Register Ticket.	Name of the ship in which the Seaman last served.	Age.	Town or Country, where born or place of birth.	Caste or profession.	Amount of wages per calendar month, Share or Voyage.	Amount of Wages advanced at time of Entry.	Amount of Monthly Allotment.	Quantity and Quality of Provisions per Day.	Signature.	Witness's Signature.
		Day.	Month.	Year.												

hereby declare the truth of all the particulars set forth in this agreement made at the port of ( ) this day of 18 .

Master.

Mate.

SCHEDULE (B).

Schedule (B).

Ticket of allotment of wages by a registered seaman at the port of

I registered number now serving as on board the vessel at monthly wages of rupees, hereby authorize and request the registrar of seamen at to receive from the agents of the one-third of my monthly wages as they become due, after I shall have served the time for which I have received advance, which time will expire on the day of next, and I hereby authorize the registrar to pay the same to my or the person holding this paper, taking his or their receipt, monthly, on the back hereof.

A.D. 1850. ACT XXX.

AN ACT *to remove Doubts on the Construction of Act I.* 1846, *and Act IV.* 1850: PASSED *by the Honourable the President of the Council of India in Council, on the 9th of August,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

WHEREAS doubts have been entertained whether or not the operation of Act I. 1846, Section VIII. [*and of Act IV.* 1850, *Section I.**], is retrospective, it is declared and enacted as follows:

Application of Act I. 1846.

I. The provisions of Act I. 1846 shall not be deemed to apply to private agreements between parties and their pleaders made before the passing of the said Act.

II. to IV. [*Bengal.*]

* Relates to Bengal only.

A.D. 1850. ACT XXXI.

AN ACT *for protecting the Salt Revenue in Bombay:* PASSED *by the Honourable the President of the Council of India in Council, on the 9th of August,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

WHEREAS it is expedient to provide for the better protection of the salt excise revenue, and to bring under control the right of opening or continuing salt works within the presidency of Bombay, it is enacted as follows:

Duty on salt imported or exported by land;

I. A duty of customs shall be levied on salt, passing by land into or out of foreign European settlements, or territories declared to be foreign under Section VIII. Act I. 1838, at the same rate as the excise duty leviable on salt within the territories subject to the presidency of Bombay.

how to be levied.

II. The said duty of customs shall be levied in the same manner, and under the same rules and restrictions, and subject to the same penalties, as is prescribed for the levy of duties of customs on goods imported and exported by land by Act I. 1838.

III. Any person who shall be concerned in passing salt, either by land or sea, contrary to the provisions of this or any other Act, shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding Rs. 500, or both.

Punishment for illicit removal of salt.

IV. All salt passed, or attempted to be passed or removed, contrary to the provisions of this or any other Act, and all vessels, carriages, and animals used in so passing or removing such salt, and the contents of any package in which such salt may be concealed, shall be liable to confiscation at the discretion of the Governor of Bombay in Council, but may be redeemed on payment of such fine as the Governor in Council, or any officer or officers of the revenue department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may think reasonable.

Confiscation of salt, &c., when illicitly removed.

Redemption on payment of fine.

V. The Governor of Bombay in Council, or any officer or officers of the revenue department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may reward informers and other persons through whose means any seizure of salt is made under this or any other Act, out of the proceeds of any such confiscation or of the fine paid in redemption thereof.

Rewards to informers.

VI. No new salt-works shall be established, and no old works not in use at the time of passing this Act, or which shall hereafter be abandoned during three consecutive seasons, shall be re-opened, within the territories subject to the presidency of Bombay, without the permission of the Governor of Bombay in Council; and any person who shall infringe these prohibitions shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding Rs. 500, or both.

Permission to establish new, or re-open old works.

VII. The Governor of Bombay in Council may, at his discretion, suppress any salt-work which, on an average of any three years, does not produce yearly at least five thousand Indian maunds of salt.

Suppression of salt-works.

VIII. Sec. VII. Act XXVII. 1837, shall be applicable to any tracts of country where salt is found.

Application of Sec. vii. Act XXVII. 1837.

A.D. 1850. ACT XXXIV.

AN ACT *for the better Custody of State Prisoners*: PASSED *by the Honourable the President of the Council of India in Council, on the 23rd of August*, 1850, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

WHEREAS doubts have been entertained whether state prisoners confined under Regulation III. 1818,* of the Bengal code, can be lawfully detained in any fortress, gaol, or other place within the limits of the jurisdiction of any of the Supreme Courts of Judicature established by royal charter, and it is expedient that such doubts be removed, and the powers of the said Regulation extended to all the territories under the Government of the East-India Company, it is enacted as follows:

State prisoners may be confined in gaols of the Supreme Courts, in fortresses, or other places.

I. The warrant of commitment of any state prisoner, under Regulation III. 1818, of the Bengal code, may be directed to the sheriff of the gaol of any of the Supreme Courts of Judicature established by royal charter in the said territories, or to the commandant of any fortress, or to the officer in charge of any gaol or other place, in which it is deemed expedient that such state prisoner be confined, in any part of the said territories; and such warrant shall be sufficient authority for the detention of such state prisoner in the fortress, gaol, or other place mentioned in the warrant.

Rules applicable to persons having charge of state prisoners.

II. Regulation III. 1818, of the Bengal code, shall be extended and applied to every sheriff, commandant, or officer, having any state prisoner in custody, under the said Regulation, as explained and extended by this Act.

State prisoners confined in gaols of Supreme Courts under warrant, lawfully committed.

III. Any state prisoner, now confined under any such warrant within the jurisdiction of any of the said Supreme Courts, under the warrant of the Governor-General in Council, shall be deemed to have been lawfully committed thereunto.

* Regulation III. 1818, of the Bengal code, was introduced into the Bombay code as Regulation XXV. 1827.

A.D. 1850. ACT XXXV.

AN ACT *for regulating the Bombay Ferries:* PASSED *by the Honourable the President of the Council of India in Council, on the 6th of September,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

WHEREAS it is expedient to regulate the public ferries within the territories subject to the presidency of Bombay, it is enacted as follows:

Preamble.

I. The Governor of Bombay in Council may declare by proclamation what ferries within any part of the territories subject to the presidency of Bombay, shall be deemed public ferries, and at any time hereafter, by a like proclamation, may establish new ferries where they are needed, and, from time to time, change the course of any public ferry, or discontinue any public ferry that is deemed unnecessary.

Power of Government to declare ferries public, and to establish new, or to alter or abolish old ferries.

II. Tolls according to such rates as shall, from time to time, be settled or approved by the Governor of Bombay in Council, shall be levied upon all passengers, carts, carriages, cattle, and other animals, and on all goods and merchandise carried over any public ferry.

Rates of toll.

III. No tolls shall be leviable from any body of soldiery on their march.

No toll on soldiers on march.

IV. Boats shall be provided under the authority of the Governor of Bombay in Council for each public ferry, and tindals, boatmen, and other persons shall be appointed for their due navigation.

Provision of boats and boatmen.

V. At every public ferry-station a toll-keeper shall be appointed with a sufficient establishment, whose duty it shall be to take the lawful tolls.

Toll-keeper and his establishment.

VI. A table of tolls, written or printed in the English and native languages, shall be hung up in some conspicuous place at every ferry-station, so as to be easily read by all persons crossing the ferry.

Table of tolls to be hung up;

VII. Every toll-keeper, who shall neglect to hang up and keep in good order and repair such table of tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding Rs. 10.

Penalty for neglect or for altering, &c.

VIII. Every toll-keeper, who shall ask or take any toll other than is allowed by the table of tolls, or who shall wilfully delay any passenger, cart, carriage, animal, or goods, shall be liable to a penalty not exceeding Rs. 50.

Penalty for taking excess of toll, and for wilful delay.

Penalty for refusal or evasion of toll, and for obstruction or damage.

IX. Every person crossing at any such public ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any toll-station without paying the toll, or who shall obstruct any toll-keeper or any of his assistants, in any way, in the execution of their duty under this Act, and also every person who shall maliciously damage any toll-bar, boat, or any other thing employed in or about any public ferry, or who shall maliciously remove, alter, destroy, or damage any table of tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding Rs. 50, over and above the value of the damage which he has done.

Boats and boatmen to be registered.

X. All public ferry-boats shall be numbered and registered as the Governor of Bombay in Council shall direct, and the names of all tindals, or persons placed in charge thereof, and of all toll-keepers, shall likewise be so registered.

Magistrate to make rules for regulation of ferries.

XI. The magistrate of every zillah in which there shall be a public ferry, and any magistrate of police of Bombay, whom the Governor of Bombay in Council may appoint for such purpose within their respective jurisdictions, shall make rules, subject to confirmation by the Governor in Council, fixing the number of passengers, carts, carriages, and animals, and the quantity of goods that may be carried in any public ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the ferry-boats in good order, and otherwise for the due discharge of their duty by all tindals, toll-keepers, and other persons employed at any public ferry, and any tindal, toll-keeper, or other person infringing or disobeying any such rule, shall be liable to make good any loss or damage which shall have been caused thereby, which may be summarily ascertained by any magistrate within whose jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

Lease of ferries.

XII. The Governor of Bombay in Council may lease any public ferry by public auction, or private contract, from year to year, or any longer period not exceeding seven years, on such conditions as he deems advisable, in which case a contract setting forth the conditions on which the ferry is to be held, shall be executed by the contractor or farmer, and security shall by him be given for its due fulfilment.

Trips of the ferry-boats at Bombay.

XIII. The ferry-boat at any public ferry which shall be established between the island of Bombay and the mainland, and adjacent islands, shall cross each way at least once daily, unless hindered by stress of weather or other unavoidable accident.

Penalty for conveying passengers or goods without a license at Bombay.

Proviso.

XIV. Every person who, without the special license of the Governor of Bombay in Council, shall convey for hire any passenger, animal, cart, carriage, or goods, from any part of the islands of Bombay and Colaba across the harbour of Bombay to the mainland, or to any of the adjacent islands, shall be liable to a penalty not exceeding Rs. 500; but this penalty shall not apply to the carriage for hire of passengers, animals, carts, carriages, and goods from one part of the islands of Bombay and Colaba

to another part of either of the said islands, nor to any person specially hiring any boat for the carriage of himself and family, or friends, with their goods and servants across the harbour of Bombay to the mainland, or any of the adjoining islands, nor to the person letting any boat to hire for such purpose.

Penalty for carrying passengers or goods without license within a certain distance of public ferry.

XV. Every person who shall convey for hire any passenger, animal, cart, carriage, or goods across any other arm of the sea, creek, or river within the said presidency, to any point or place on the opposite bank or coast within a distance of three miles on either side above or below any public ferry, without the special license of a magistrate of the zillah or town in which the ferry is situated, shall be liable to a penalty not exceeding Rs. 500.

Offences against the Act, how to be heard and determined.

Recovery of penalties.

XVI. All offences against this Act shall be summarily heard and determined by the magistrate of the zillah within the limits of which the same shall have been committed, and if within the limits of the jurisdiction of the Supreme Court of Bombay, by any magistrate of police of Bombay. All penalties shall be recovered in the manner directed for the recovery of the fines specified in Clauses First, Second, and Third, Section XIV., Regulation XIX. 1827, of the Bombay code.

Application of the proceeds of ferries.

XVII. All tolls payable on account of any public ferry, and all rent payable on account of such of them as are farmed, and all penalties for offences against this Act, shall form a general fund, which shall be applied, in the first instance, towards the expenses necessary for keeping up all the ferries throughout the presidency of Bombay, and the residue, if any, shall be applied under the directions of the Governor of Bombay in Council, in the improvement of the public roads, ways, and thoroughfares leading to and from any of the said ferries.

Officers for carrying the Act into execution.

XVIII. The Governor of Bombay in Council may appoint such officers and other persons as shall be necessary for carrying this Act into execution, with such salaries as the Governor-General of India in Council shall approve, to be paid out of the fund produced by the tolls and fines as provided by this Act, and the Governor of Bombay in Council may, from time to time, delegate any of the powers conferred on him by this Act to any magistrate or other person as he thinks fit.

A.D. 1850. ACT XXXVI.

AN ACT *to amend the* 113*th Article of War for the Native Army:* PASSED *by the Honourable the President of the Council of India in Council, on the* 4*th October,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

WHEREAS it is expedient that native soldiers, when imprisoned, should be treated as European soldiers are in the like case, as respects subsistence and clothing, it is enacted as follows:

Repeal of part of the 113th Article of War.

I. From and after the 1st day of December, 1850, so much of the 113th Article of War for the government of the native officers and soldiers in the military service of the East-India Company as provides for the forfeiture of allowances, and the subsistence of such officers and soldiers, when in imprisonment under the sentence of any court-martial or of any Court of Criminal Judicature, is repealed.

Soldiers imprisoned under sentence not entitled to pay or allowances.

II. From and after the said 1st day of December, 1850, no native officer, or soldier, or public follower in the military service of the East-India Company, shall be entitled to pay or allowances, when imprisoned under the sentence of a court-martial or a commuted sentence, or under the sentence of a Court of Criminal Judicature; but shall be clothed and subsisted at such rates, or in such manner, as the Governor-General of India in Council may, from time to time, order.

A.D. 1850. ACT XXXVII.

AN ACT *for regulating Inquiries into the Behaviour of Public Servants:* PASSED *by the Honourable the President of the Council of India in Council, on the* 1*st November,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

WHEREAS it is expedient to amend the law for regulating inquiries into the behaviour of public servants not removable without the sanction of Government, and to make the same uniform throughout the territories under the Government of the East-India Company, it is enacted as follows:

Repeal of certain enactments.

I. The following Acts, VI. 1838, XXVI. 1839, and XIII. 1843, are

repealed, but not so as to revive any Act or Regulation, or part of any Act or Regulation, thereby repealed.

Government may order a formal inquiry into imputations against public servants.

II. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the East-India Company not removable from his office without the sanction of the same Government, it shall cause the substance of the imputations to be drawn into distinct articles of charge, and shall order a formal and public inquiry to be made into the truth thereof.

By whom the inquiry is to be made.

III. The inquiry may be committed either to the Court, Board, or other authority to which the person accused is subordinate, or to any other person or persons, to be specially appointed, by the Government, commissioners for the purpose; notice of which commission shall be given to the person accused ten days at least before the beginning of the inquiry.

Conduct of prosecution.

IV. When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

Accusation how to be made and verified. Punishment for false accusations.

V. When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser, and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury; but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

When Government allow accuser to prosecute, what security to be taken.

VI. Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government before appointing the commission shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forthcoming to answer any counter-charge or action which may be afterwards brought against him for malicious prosecution, or perjury, or subornation of perjury, as the case may be.

Government may abandon prosecution and may allow accuser to proceed.

VII. At any subsequent stage of the proceedings, the Government may, if it think fit, abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

Powers of commission in issuing process.

VIII. The commissioners shall have the same power of punishing contempts and obstructions to their proceedings, as is given to Civil and Criminal Courts by Act XXX. 1841, and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the commission, and shall

be entitled to the same protection as the zillah and city judges, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through and executed by the zillah or city judge in whose jurisdiction the witness or other person resides, on whom the process is to be served, and if he resides within Calcutta, Madras, or Bombay, then through the Supreme Court of Judicature there. When the commission has been issued to a court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the commission.

Punishment for disobedience of process.

IX. All persons disobeying any lawful process issued as aforesaid for the purposes of the commission, shall be liable to the same penalties as if the same had issued originally from the court or other authority through whom it is executed.

Copy of charge and lists of documents and witnesses to be given to accused.

X. A copy of the articles of charge, and list of the documents and witnesses by which each charge is to be sustained, shall be delivered to the person accused, at least three days before the beginning of the inquiry, exclusive of the day of delivery and the first day of the inquiry.

Accused to be called upon to plead to the articles of charge.

Refusal to be considered as an admission of the charge.

XI. At the beginning of the inquiry, the prosecutor shall exhibit the articles of charge to the commissioners, which shall be openly read, and the person accused shall thereupon be required to plead "guilty" or "not guilty" to each of them, which pleas shall be forthwith recorded with the articles of charge. If the person accused refuses, or without reasonable cause neglects to appear to answer the charge either personally or by his counsel or agent, he shall be taken to admit the truth of the articles of charge.

Prosecutor entitled to address the commission.

XII. The prosecutor shall then be entitled to address the commissioners in explanation of the articles of charge, and of the evidence by which they are to be proved; his address shall not be recorded.

Exhibition of the evidence for examination of the witnesses.

XIII. The oral and documentary evidence for the prosecution shall then be exhibited; the witnesses shall be examined by or on behalf of the prosecutor, and may be cross-examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without leave of the commissioners, who also may put such questions as they think fit.

Admission of additional evidence.

Accused entitled to an adjournment on fresh evidence being admitted.

XIV. If it shall appear necessary before the close of the case for the prosecution, the commissioners may, in their discretion, allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence, and in such case the person accused shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days before the exhibition of such new evidence, exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

XV. When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing, as he shall prefer. If made orally, it shall not be recorded; if made in writing, it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.

Defence of the accused.

XVI. The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination, and to examination by the commissioners, according to the like rules as the witnesses for the prosecution.

Evidence for the defence.

XVII. All witnesses, either for the prosecution or defence, shall be examined on oath, or, if exempt from taking an oath in courts of justice, on solemn affirmation, to be administered in either case by one of the commissioners, and every witness so examined and wilfully giving false evidence on any material point shall be deemed guilty of and liable to the penalties of perjury. When the prosecution is not conducted on behalf of Government, the prosecutor may himself give evidence for the prosecution, and may be examined for the defence.

Examination of the witnesses.

Perjury.

Evidence of the prosecutor.

XVIII. The commissioners, or some person appointed by them, shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and if necessary, explained to him in the language in which it was given, and shall be recorded with the proceedings.

Notes of oral evidence to be taken and recorded.

XIX. If the person accused makes only an oral defence, and exhibits no evidence, the inquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

In what cases prosecutor is entitled to reply, and to file additional evidence.

XX. When the commissioners shall be of opinion that the articles of charge, or any of them, are not drawn with sufficient clearness and precision, the commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time. The commissioners may also, if they think fit, adjourn the inquiry from time to time, on the application of either the prosecutor or the person accused, on the ground of the sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused, the commissioners shall record the application, and their reasons for refusing to comply with it.

Commissioners may require the charge to be amended.

Adjournment of the inquiry.

XXI. After the close of the inquiry, the commissioners shall forthwith report to Government their proceedings under the commission, and shall send with the record thereof their opinion upon each of the articles of

Commissioners to report their proceedings and opinions to Government.

charge separately, with such observations as they think fit on the whole case.

Government may order further evidence to be taken, may call for explanations, and may order additional charges to be investigated.

Special commissioners' report may be referred to a court; final decision of Government.

XXII. The Government, on consideration of the report of the commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional articles of charge to be framed, in which case the inquiry into the truth of such additional articles shall be made in the same manner as is herein directed with respect to the original charges. When special commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the commissioners to the court or other authority to which the person accused is subordinate, for their opinion on the case; and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

Explanation of the word "Government."

XXIII. The word "Government," as used in this Act, means the Governor-General in Council, the Governor or Deputy Governor of the presidency of Fort William in Bengal, the Governor in Council of the presidencies of Fort St. George and Bombay, respectively, and the Lieutenant-Governor of the North-Western Provinces of Bengal, whose sanction is necessary for the removal of the person accused.

Application of the Act.

XXIV. Nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of principal and other sudder ameens, or of deputy magistrates, or deputy collectors; but a commission may be issued for the trial of any charge against any of the said officers, under this Act, in any case in which the Government shall think it expedient.

Power of Government to remove servants without inquiry.

XXV. Nothing in this Act shall be construed to affect the authority of Government, for suspending or removing any public servant for any cause without an inquiry under this Act.

A.D. 1850. ACT XXXVIII.*

AN ACT *to allow Counsel to all Persons on the Trial of Offences:* PASSED *by the Honourable the President of the Council of India in Council on the 1st November,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

WHEREAS an Act of Parliament was passed in the seventh year of the reign of his late Majesty for enabling persons indicted of felony to make their defence by counsel or attorney, the provisions of which Act were enlarged and extended to her Majesty's courts of justice in the territories under the Government of the East-India Company by Act XXII. 1839, and whereas it is just and reasonable that the like privilege be given to all persons on the trial of offences against the law, it is enacted as follows: Preamble.

I. In all courts and before all magistrates, or persons exercising any of the powers of a magistrate, under the authority of the East-India Company, every person on trial for the commission of any offence shall be admitted to defend himself either personally or by his authorized agent, and, after the close of the case for the prosecution, to make full answer and defence thereto either personally or by his authorized agent. Accused persons may employ agents to defend them.

II. The said courts, magistrates, and persons, subject to such rules as shall be from time to time made for their guidance by the Nizamut or Foujdary Adawlut, may allow any prosecution to be conducted by an authorized agent. Prosecutions may be conducted by agents.

III. In those courts in which any person now has by law the right of employing whomsoever he can employ as counsel or pleader, nothing in this Act shall be deemed to restrict that right; in all other cases those persons only shall be deemed authorized agents within the meaning of this Act who are either advocates of one of the supreme courts of justice established by royal charter, or authorized pleaders of the civil courts of the East-India Company, or by leave of the court, magistrate, or other person before whom the prisoner is on trial, any other person who is employed by the prosecutor or prisoner as his agent. Who may be employed as agents.

IV. This Act shall not be deemed to dispense with the presence of any prosecutor or person on trial for the commission of any offence when the presence of such prosecutor or accused person is now by law required. Presence of prosecutors and persons on trial not dispensed with.

* This Act has, by an oversight, been omitted in the Lists and Index.

A.D. 1850. ACT XLV.

AN ACT *to declare the Law as to the Jurisdiction of Coroners:* PASSED *by the Honourable the President of the Council of India in Council, on the 27th December,* 1850, *with the Assent of the Most Noble the Governor-General of India.*

Preamble.

FOR removal of doubts as to the jurisdiction of coroners, it is declared and enacted as follows:

Jurisdiction of coroners.

I. In all cases in which an inquest ought to be holden on any body lying dead within the jurisdiction of any coroner, appointed for any place within the territories under the Government of the East-India Company, the coroner having jurisdiction where the body is lying dead has power to hold and shall hold such inquest; and every such inquisition taken before him is valid, whether or not the cause of death arose within his jurisdiction.

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